



# GHANA

## COUNTRY OF ORIGIN INFORMATION (COI) REPORT

COI Service

11May 2012

**SECURING OUR BORDER CONTROLLING MIGRATION**

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ii The main text of this COI Report contains the most up to date publicly available information as at 20 April 2012. Further brief information on recent events and reports has been provided in the Latest News section to 10 May 2012.

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## Preface

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- i This Country of Origin Information (COI) Report has been produced by COI Service, United Kingdom Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 20 April 2012. The 'Latest News' section contains further brief information on events and reports accessed from 21 April to 10 May 2012. The report was issued on 11 May 2012.
- ii The Report is compiled wholly from material produced by a wide range of external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- iii The Report aims to provide a compilation of extracts from the source material identified, focusing on the main issues raised in asylum and human rights applications. In some sections where the topics covered arise infrequently in asylum/human rights claims only web links may be provided. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- iv The structure and format of the Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- v The information included in this Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated. Similarly, the absence of information does not necessarily mean that, for example, a particular event or action did not occur.
- vi As noted above, the Report is a compilation of extracts produced by a number of information sources. In compiling the Report no attempt has been made to resolve discrepancies between information provided in different source documents though COI Service will bring the discrepancies together and aim to provide a range of sources, where available, to ensure that a balanced picture is presented. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. Reports do not aim to bring consistency of spelling but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

- vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.
- viii This Report and the accompanying source material are public documents. All Reports are published on the UKBA website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified are available in electronic form, the relevant weblink has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from COI Service upon request.
- ix Reports are published regularly on the top 20 asylum intake countries. Reports on countries outside the top 20 countries may also be produced if there is a particular operational need. UKBA officials also have constant access to an information request service for specific enquiries.
- x In producing this Report, COI Service has sought to provide an accurate, up to date, balanced and impartial compilation of extracts of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to COI Service as below.

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#### **INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION**

- xi The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of the UK Border Agency to make recommendations to him about the content of the UKBA's COI material. The IAGCI welcomes feedback on UKBA's COI Reports and other COI material. Information about the IAGCI's work can be found on the Independent Chief Inspector's website at <http://icinspector.independent.gov.uk/country-information-reviews/>
- xii In the course of its work the IAGCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. A list of the Reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored UKBA's COI material from September 2003 to October 2008) is available at <http://icinspector.independent.gov.uk/country-information-reviews/>
- xiii Please note: it is not the function of the IAGCI to endorse any UKBA material or procedures. Some of the material examined by the Group relates to countries designated or proposed for designation to the Non-Suspensive Appeals (NSA) list. In such cases, the Group's work should not be taken to imply any endorsement of the

decision or proposal to designate a particular country for NSA, nor of the NSA process itself. The IAGCI can be contacted at:

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**Website:** <http://icinspector.independent.gov.uk/country-information-reviews/>

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## Latest News

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### EVENTS IN GHANA FROM 21 APRIL TO 10 MAY 2012

The Latest News provides a non-exhaustive selection of significant events. Further information may also be available from the list of useful sources below.

The Home Office is not responsible for the content of external websites.

10 May 2012 “Ghana has taken a major step towards reducing its under-five mortality rate by becoming the first African country to introduce two new vaccines for rotavirus and pneumococcal disease...Currently, 80 children out of 1,000 do not make it past the age of five in Ghana...Rotavirus and pneumococcal disease are the leading causes of diarrhoea and pneumonia in young Ghanaian children. Together they account for close to 25 percent of under-five mortality and are behind only malaria as the leading causes of child deaths here. Now both the vaccines...are being given to young children before they reach four months of age. The measure is currently being rolled out across the country and to select hospitals in Accra. The GAVI Alliance, a public-private global health partnership, has helped fund the vaccines, which will be available for free to all Ghanaian children. More than 400,000 children in this country of 25 million people are expected to be immunised against both diseases.”

#### Inter Press Service News Agency

Major Effort to Reduce Child Mortality Not Enough, 10 May 2012

<http://ipsnews.net/news.asp?idnews=107739>

Date accessed 11 May 2012

22 April 2012 “A top official of Ghana’s Independent Electoral Commission (INEC) has expressed satisfaction with the progress of voter registration ahead of the scheduled December general elections. The INEC is compiling a voter list that is scheduled to end May 5<sup>th</sup>. The voters’ register would be used in the presidential, parliamentary and local elections. David Kanga, deputy commissioner of the electoral commission in charge of Finance and Administration, said the INEC is using the biometric system which, he said, enables the electoral body to maintain quality control of the registration process. ‘We should be expecting not more than 13 million registrations and, as of now, we’ve been able to capture...about 5.9 million,’ said Kanga. ‘We are discovering double registrations and I think we are doing very well. ‘Some of the participating political parties have expressed concern about possible multiple registrations which, they said, could tarnish the credibility of the vote. But, Kanga said the INEC has instituted mechanisms to ensure a reliable voters’ list.’”

#### Voice of America News

Ghana Electoral Body with Voter Registration Progress, 22 April 2012

<http://www.voanews.com/english/news/africa/Ghana-Electoral-Body-Pleased-With-Voter-Registration-Progress---148459055.html>

Date accessed 11 May 2012

## USEFUL NEWS SOURCES FOR FURTHER INFORMATION

A list of news sources with Weblinks is provided below, which may be useful if additional up to date information is required to supplement that provided in this report. The full list of sources used in this report can be found in [Annex E – References to source material](#).

AlertNet (Thomson Reuters) <http://www.alertnet.org/thenews/newsdesk/index.htm?news=all>

AllAfrica.com <http://allafrica.com/ghana/>

British Broadcasting Corporation (BBC) <http://news.bbc.co.uk>

Cable News Network (CNN) <http://edition.cnn.com/WORLD/?fbid=i0gUtrVnUAY>

GhanaWeb <http://www.ghanaweb.com/>

Integrated Regional Information Networks (IRIN) <http://www.irinnews.org/>

Inter Press Service (IPS) News Agency <http://www.ips.org/africa/category/west-africa/>

Voice of America (VOA) News <http://www.voanews.com/english/news/africa/west/>

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**The Home Office is not responsible for the content of external websites.**

**Amnesty International**

'Prisoners Are Bottom Of The Pile'-The Human Rights of Inmates in Ghana, 25 April 2012

<http://www.amnesty.org/en/library/asset/AFR28/002/2012/en/d5616444-cfd1-482d-bcc5-2a338bb68456/afr280022012en.pdf>

Date accessed 30 April 2012

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## Background Information

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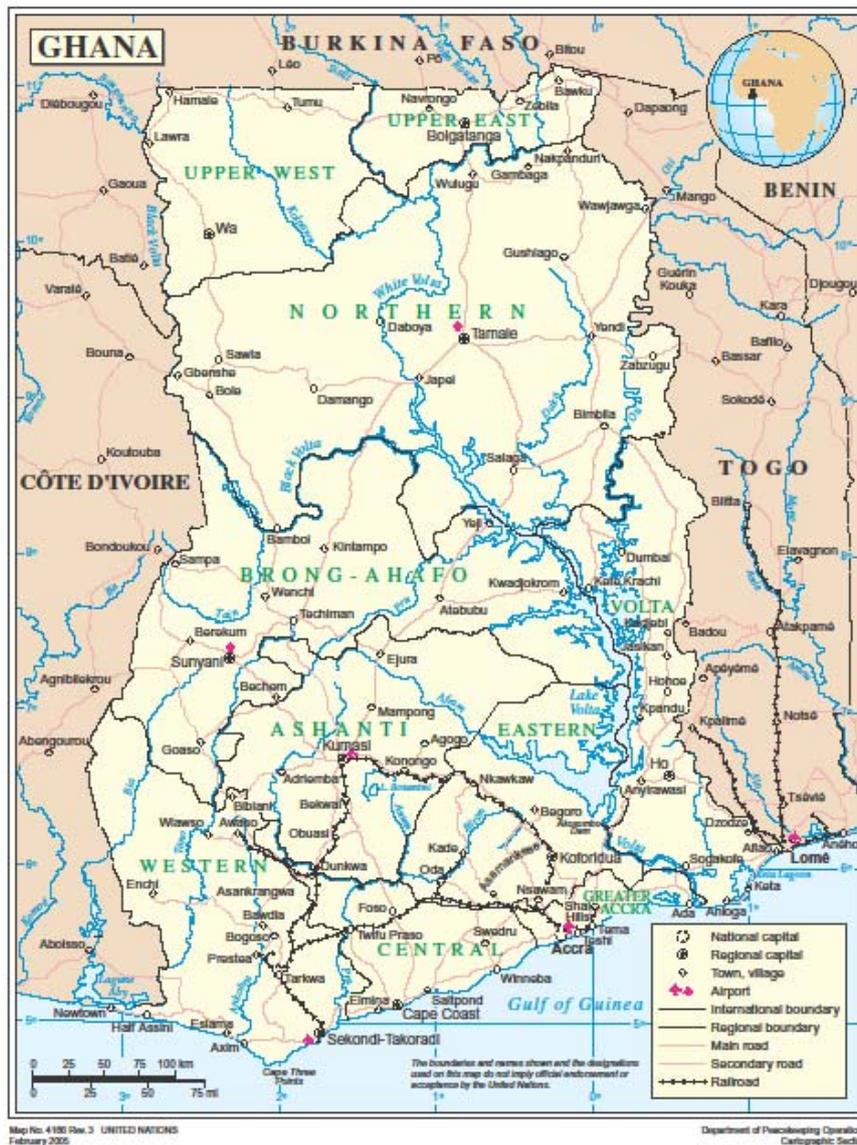
### 1. GEOGRAPHY

- 1.01 The Permanent Committee on Geographical Names noted under the list of country names (as of 1 January 2012) that the country is called the Republic of Ghana. [12]
- 1.02 The Foreign and Commonwealth Office, 'Country Profile', last updated 18 November 2011, stated that "Ghana is situated in West Africa. It is bordered by Togo in the east, Burkina Faso in the north, Côte d'Ivoire in the west and the Atlantic Ocean to the south." [2a] The Central Intelligence Agency, 'World FactBook', last updated January 2012, listed the area of the country at 238,533 sq km. [3] The Ghana Embassy in Washington DC, USA, in an undated section (accessed 6 April 2012) on its website noted with regard to the population of Ghana that "In the recent census of 2011 the estimated population of Ghana is 25,000 000 (females-51%, males 49)... The most densely populated parts of the country are the coastal areas, the Ashanti region, and the two principal cities, Accra and Kumasi. About 70 percent of the total population lives in the southern half of the country. The most numerous peoples are the coastal Fanti, and the Ashanti, who live in central Ghana, both of whom belong to the Akan family. The Accra plains are inhabited by the Ga-Adangbe. Most of the inhabitants in the northern region belong to the Moshi-Dagomba or to the Gonja group." [5] UN Data, undated but accessed 18 April 2012, reported a population in Ghana of 23,837,000 in 2009. [85] In terms of cities and their populations, the US State Department (USSD), 'Background Note', last updated 21 December 2011, noted "Cities: *Capital*--Accra (metropolitan area pop. 3 million est.). *Other cities*--Kumasi (1 million est.), Tema (500,000 est.), Sekondi-Takoradi (370,000 est.)." [1b]
- 1.03 The same USSD 'Background Note' listed the ethnic group distribution in the country as "Akan 45.3%, Mole Dagbon 15.2%, Ewe 11.7%, Ga-Dangme 7.3%, other groups 20.4%." In relation to religious demographics of Ghana, the same document stated: "Christian 68.8%, Muslim 15.9%, traditional 8.5%, other 0.7%, none 6.1%." Whilst in regard to languages used in Ghana, the same source noted: "English (official), Akan (which includes Asante Twi, Akwapim Twi, Akyem, and Fanti) 49%, Mole-Dagbani 16%, Ewe 13%, Ga-Adangbe 8%, Guan 4%, others 10%." [1b]

MAP

1.04 Map UNHCR Cartographic Section, February 2005. [75]

The Perry Castaneda library map collection contains a series of Ghanaian maps <http://www.lib.utexas.edu/maps/ghana.html>



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## 2. ECONOMY

2.01 The African Economic Outlook Overview of Ghana, last updated 22 June 2011, noted:

“Economic growth has remained strong with real GDP growth reaching an estimated 5.9% in 2010 compared to 4.7% in 2009. Growth prospects are even brighter as real GDP growth of 12.0% and about 11.0% are projected for 2011 and 2012 respectively, largely on account of the start of oil production in commercial quantities in December 2010. In addition, the country’s increasingly democratic settlement and social stability have served to boost the confidence of investors, leading to rising investment.

“The country’s strong growth has been achieved within a sound macroeconomic environment. Prudence in fiscal and monetary management has contributed to the easing of inflationary pressures with declining interest rates. The private sector has responded positively to the government’s development programmes and the improved business environment. The rise in bank lending and capital inflows suggests increasing investor confidence. New partnerships between Ghana and emerging economies such as China and South Korea are providing additional sources of financing and expertise for development.

“Nevertheless, challenges remain, such as a very weak fiscal stance and fragile external balances. Growing fiscal challenges include large domestic payment arrears. Also, the government’s new public sector pay policy – the Single Spine salary (SSS) policy – requires a huge budgetary outlay, which could threaten macroeconomic stability unless renewed efforts are made to enhance domestic resource mobilisation. Ghana should also adopt a sustainable debt management strategy to avoid post-HIPC (Highly Indebted Poor Countries) debt overhang. In addition, strong and sustainable growth over the next decade will require continued high levels of investment; this will be conditional on prudence in the management of the oil revenues. Besides, unemployment and underemployment are key challenges that require the government to enhance the job-relevant skills of the workforce, especially in the large informal sector of the economy. ” [6]

2.02 More recently an article in Bloomberg BusinessWeek of 14 February 2012, entitled ‘Ghana May Keep Lending Rate on Hold, Warn of Price Threats’, noted:

“Inflation, which was unchanged at 8.6 percent in December, may accelerate after fuel prices increased and the cedi [the Ghanaian currency] fell 4.4 percent against the dollar this year, the most of 22 African currencies tracked by Bloomberg...Ghana became one of Africa’s newest oil exporters in December 2010, when production started at the offshore Jubilee oil field, operated by U.K.-based Tullow Oil Plc. The country is the world’s second-largest cocoa producer after Ivory Coast and the continent’s second-biggest gold miner after South Africa. The economy, which expanded 12 percent in the third quarter from a year ago, grew an estimated 13.6 percent in 2011.” [7]

2.03 A GhanaWeb article of 16 July 2011, ‘The Growing Unemployment Crisis in Ghana’, noted:

“...the unemployment rate... stands at 8.5% in 2010...Currently it is estimated that almost four million people out of the 14 million people within the age group of 15-64, regarded as active or working population, are without employment...The worst affected groups of the Ghanaian job crisis include women, young people, the disabled and the

elderly. The situation, however, seems to be more precarious for the youth population aged between 18-35 years. This age group indeed makes up only about 26% of the entire population of the country, but they account for over 45 % of the total unemployed Ghanaians.” **[8a]**

- 2.04 The CIA ‘World Factbook’, updated 13 April 2012, noted the GDP in the country as standing at: “13.5% (2011 est.)”, the same document also noted its agricultural products as including “cocoa, rice, cassava (tapioca), peanuts, corn, shea nuts, bananas; timber”; and its industries as “mining, lumbering, light manufacturing, aluminum smelting, food processing, cement, small commercial ship building.” **[3]**
- 2.05 A Reuters Africa article of 15 February 2011, ‘Ghana ups minimum wage by 20 percent: union’, stated:
- “Ghana has increased its minimum daily wage by 20 percent... ‘What this means is that from today no worker shall receive less than 3.73 cedis as daily minimum wage’...However...the impact on the economy of the latest measure may be mitigated by the fact that up to 85 percent of Ghanaian workers are employed in the informal sector, where implementation of the minimum wage may be patchy...Ghana last year achieved middle income status with an upwards revision of its national output that produced a new estimate of average per capita income at \$1,318.” **[9a]**
- 2.06 The website XE.com, accessed 20 April 2012, stated that the exchange rate was £1 = 2.92 Ghana Cedis. **[76]**

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### 3. HISTORY (1957 TO DECEMBER 2011)

This section provides a brief account of Ghana’s recent history since independence to provide context for users.

- 3.01 The Freedom House, ‘Freedom in the World 2011’ report, published 12 May 2011, stated:

“Ghana achieved independence from British rule in 1957. After the 1966 ouster of its independence leader, Kwame Nkrumah, the country was rocked for 15 years by a series of military coups and experienced successive military and civilian governments.

“In 1979, air force officer Jerry Rawlings led a coup against the ruling military junta. His administration proved to be brutally repressive, banning political parties and quelling all dissent. While he agreed under economic and political pressure to hold multiparty elections in the late 1980s, the elections were considered neither free nor fair, and Rawlings and his National Democratic Congress (NDC) party remained in power. The 1996 elections were generally respected at home and abroad, but Rawlings and the NDC again retained their positions.

“In 2000, free and fair presidential and parliamentary polls led to a peaceful transfer of power from Rawlings—who was forced to step down due to term limits—and the NDC to opposition leader John Kufuor and his New Patriotic Party (NPP).” **[21c]**

- 14 The main text of this COI Report contains the most up to date publicly available information as at 20 April 2012. Further brief information on recent events and reports has been provided in the Latest News section to 10 May 2012.

3.02 The BBC website, 'Ghana profile', last updated 17 January 2012, explained further:

"Despite being rich in mineral resources, and endowed with a good education system and efficient civil service, Ghana fell victim to corruption and mismanagement soon after independence in 1957. ... In 1966 its first president and pan-African hero, Kwame Nkrumah, was deposed in a coup, heralding years of mostly-military rule. In 1981 Flight Lieutenant Jerry Rawlings staged his second coup. The country began to move towards economic stability and democracy. ... In April 1992 a constitution allowing for a multi-party system was approved in a referendum, ushering in a period of democracy." [25c]

3.03 The US Department of State (USSD) 'Background Note' on Ghana, updated 21 December 2011, noted:

"In December 2004, eight political parties contested parliamentary elections and four parties, including the NPP and NDC, contested presidential elections. This election was reported to have a remarkable turnout of 85.12% according to the Election Commission. Despite a few incidents of intimidation and minor irregularities, domestic and international observers judged the elections generally free and fair. There were several isolated incidents of election-related violence, but the election was generally peaceful in most of Ghana. John A. Kufuor [of the New Patriotic Party (NPP)] was re-elected president with 52.45% of the vote against three other presidential candidates, including former Vice-President John Atta Mills of the NDC. Thirty constituencies were created in the period between the 2000 and 2004 elections, resulting in a 230-member Parliament." [1b]

3.03 The Freedom House, Freedom in the World 2011 report, published 12 May 2011, stated:

"In advance of the December 2008 presidential election, the NPP faced internal divisions as over 20 candidates vied for the party's nomination. Ultimately, former foreign minister Nana Akufo-Addo was chosen over Kufuor's preferred candidate, Alan Kyerematen. Akufo-Addo and many of his supporters belonged to the Akyem tribe while Kufuor and Kyerematen were Ashanti, illustrating how ethnic rifts often complicated political ones. Meanwhile, the NDC chose Atta Mills as its candidate for the third time. While problems with voter registration and fighting between NDC and NPP supporters were reported before and during the vote, the election was ultimately viewed as a success by domestic and international observers." [21c]

3.04 Europa World Online, undated, accessed 10 April 2012, noted:

"In February and March 2009 the ministers nominated by Mills were vetted and approved by the Parliament, and sworn in to their roles in the new administration; they included Dr Kwabena Dufuor as Minister of Finance and Economic Planning, Cletus Avoka as Minister of the Interior and Lt-Gen. (retd) Joseph Henry Smith as Minister of Defence, while Betty Mould Iddrisu was named as the first female Attorney-General and Minister of Justice. The Minister of Health, Dr George Sepa Yankey, and the Minister of State at the Presidency, Seidu Amadu, resigned in October following allegations that they had accepted bribes from a British construction company, which had the previous month been ordered by a British court to pay fines of more than US \$7m. for offering illegal payments to officials in Ghana in the 1990s; four other senior Ghanaian officials were also implicated in the alleged corruption. President Mills subsequently appointed Benjamin Kunbour and Joseph Nii Laryea Afotey Agbo as Minister of Health and

Minister of State at the Presidency, respectively. In January 2010 Mills carried out a reorganization of the Government; notably, Martin Amidu, a former Deputy Attorney-General, replaced Avoka as Minister of the Interior.

“...In January 2010 President Mills inaugurated a nine-member Constitution Review Commission (CRC), chaired by Prof. Albert K. Fiadjoe, which was charged with recommending changes to the 1992 Constitution for approval at a referendum. Among changes believed to be under consideration were the abolition of the death penalty and the introduction of a limit on the number of ministers that the President was allowed to appoint. Community and district constitutional review consultations, with the aim of soliciting public contributions to the work of the CRC, began in April. In January 2011 Mills effected a government reorganization, which included the appointment of Amidu, hitherto Minister of the Interior, as Attorney-General and Minister of Justice, and Amidu’s replacement by Benjamin Kumbuor (hitherto Minister of Health). In February the Chairman of the EC confirmed that it would organize a constitutional referendum subject to the recommendations of the CRC; the CRC was to present its findings at a National Constitution Review Conference, which was scheduled for early March, after which the CRC was to submit its final report to the President by the end of June. It was reported that public opinion strongly favoured restructuring of the principal state organs, and in particular a redistribution and separation of power between the presidential executive and the legislature.” **[13](Domestic Political Affairs)**

- 3.05 Jane’s Sentinel Country Risk Assessments, Ghana, Political Leadership, last updated 27 April 2012, noted that “Ghanaians will deliver their next verdict on the president and his NDC-led administration at elections in 2012, at which Atta Mills will again face the NPP’s candidate, Nana Addo Dankwa Akufo-Addo, whom he beat with less than one per cent of the vote in 2008.” **[30f]**

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## 4. RECENT DEVELOPMENTS (DECEMBER 2011 TO APRIL 2012)

### CONSTITUTIONAL REVIEW

- 4.01 A GhanaWeb article of 20 December 2011, ‘Constitution Review Commission presents report to President Mills’, noted:

“The Constitution Review Commission, constituted by President John Evans Atta Mills in January last year to undertake a consultative review of Ghana’s 1992 Constitution, on Tuesday presented its final report. The Report consists [of] 15 chapters, and suggests measures that the Government might wish to take to translate its recommendations into constitutional, legislative and administrative actions that would improve national governance and the people’s lives...The Report recommends that a review exercise must strengthen Parliament, enhance the role of traditional authority in local governance, strengthen Independent Constitutional Bodies to better protect the institutions of State and the rights of people. Finally, the Constitution must speak to the issues of corruption, ethnicity, dysfunctional politics, wastage of national resources, revenue leakages and unbridled government spending.” **[8b]**

## GAY RIGHTS

- 4.02 A Behind the Mask report of 2 April 2012, 'Retired Ghana Judge Asks Court To Disregard Homosexuality As A Human Rights Issue', noted:

"A Ghanaian newspaper, the Daily Graphic, has reported that a retired Supreme Court judge, Justice Yaonansu Kpegah, has filed an application asking the Ghana Supreme Court to disregard homosexuality as a human rights issue. According to the report, 'He is further praying the highest court of the land to declare that under the country's customary law, which is an integral part of the laws of Ghana, acts of homosexuality are an abomination and, indeed, a taboo and are unacceptable as a natural and normal way of life in any decent society.' Other parties to the suit are the Attorney-General and the Inspector-General of Police (IGP). Justice Kpegah is seeking an order directed at the IGP to investigate a recently published story of a gay marriage which allegedly took place in the twin western Ghana cities of Sekondi /Takoradi.

"The report said that the retired judge was also praying the court to ensure that all those found culpable in the Sekondi/Takoradi area, together with their accomplices to be processed and the docket referred to the Attorney-General for advice and subsequent prosecution. According to him, on a true and proper interpretation of the relevant provision of the 1992 Constitution, the practice of homosexuality could never be said to be part of human rights issues in Ghana. He is seeking a further a declaration that the Republic of Ghana is not subject to the authority or dictates of any state in the absence of any agreement, protocol or convention.

"Retired Justice Yaonansu Kpegah contends that as a matter of jurisprudence, it would be out of place for anyone to argue for the expansion of human rights to cover homosexuality on the rather poor argument that times had changed and individual rights needed to be expanded. He said that the argument that the state should expand the parameters of fundamental human rights to include homosexual rights was most unfortunate and a very obnoxious submission to make. According to the retired judge, such an argument implied that a state could legislate to change an animal into a human being and endow it with divine rights. He argues that in Anglo-Saxon jurisprudence, which is applicable throughout the British Commonwealth and the USA, one could hardly argue that homosexuality was the fundamental right of a human being.

"A date is yet to be fixed for the hearing of the writ, which was filed on March 26, 2012."  
[20c].

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## 5. CONSTITUTION

- 5.01 A webpage from the site ConstitutionNet, entitled 'Constitutional History of Ghana', undated, accessed 20 April 2012 noted:

"The final draft constitution was unanimously approved by the people in a referendum on 28 April 1992. This Constitution, also known as the Constitution of the Fourth Republic was promulgated in January 1993 [and] provided for the following: reinforcement of the unitary nature of the state while allowing for decentralization and

local government; a US style presidential system of government with an executive president elected for a four year term, renewable once; and greater press freedom and fundamental human rights guarantees.” [11]

- 5.02 An article of 14 March 2011 in Public Agenda (Accra) (accessed via AllAfrica.com), ‘Ghana: Of Fundamental Human Rights and Constitutional Amendments’, noted:

“The 1992 Constitution guarantees the Human Rights of all individuals found within the territorial boundaries of the Republic of Ghana. Chapter 5 of 1992 Constitution titled Fundamental Human Rights and Freedoms provides for rights such as right to life, economic rights and women's right. The entire chapter 5 is entrenched clauses and as such they can only be amended by the people of Ghana voting at a referendum where at least 40% of registered voters cast their votes; and of those voting at least 75% vote in favour of the amendment. Economic, social and cultural rights under the 1992 Constitution are contained in Chapter 6 of the Constitution under the broad heading of the Directive Principles of state Policy (DPSP).” [10]

The current Constitution of the Republic of Ghana can be accessed via the following link: <http://www.judicial.gov.gh/constitution/home.htm>

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## 6. POLITICAL SYSTEM

- 6.01 Europa World, in a section on the Constitution and Government of Ghana, undated, accessed 23 February 2012, noted:

“Under the terms of the Constitution... Ghana has a multi-party political system. Executive power is vested in the President, who is the Head of State and Commander-in-Chief of the Armed Forces. The President is elected by direct universal suffrage for a maximum of two four-year terms of office. Legislative power is vested in a 230-member unicameral Parliament, which is elected by direct universal suffrage for a four-year term. The President appoints a Vice-President, and nominates a Council of Ministers, subject to approval by the Parliament. The Constitution also provides for a 25-member Council of State, principally comprising regional representatives and presidential nominees, and a 20-member National Security Council, chaired by the Vice-President, which act as advisory bodies to the President.

“Ghana has 10 regions, each headed by a Regional Minister, who is assisted by a regional co-ordinating council. The regions constitute 110 administrative districts, each with a District Assembly, which is headed by a District Chief Executive. Regional colleges, which comprise representatives selected by the District Assemblies and by regional Houses of Chiefs, elect a number of representatives to the Council of State.” [13]

- 6.02 Jane’s Sentinel Country Risk Assessments, Ghana, Political Leadership, last updated 27 April 2012, gave the following overview of Ghana’s political system:

“Political System: Constitutional Democracy ...

“Head of State: President John Evans Atta Mills ...

“Next Election: December 2012 (presidential) ... December 2012 (parliamentary)” **[30e]**

6.03 The CIA World Fact Book, Ghana, last updated 13 April 2012, observed with regard to Ghana’s political parties and leaders the following:

“Convention People's Party or CPP [Ladi NYLANDER]; Democratic Freedom Party or DFP [Alhaji Abudu Rahman ISSAKAH]; Every Ghanaian Living Everywhere or EGLE; Great Consolidated Popular Party or GCPP [Dan LARTEY]; National Democratic Congress or NDC [Dr. Kwabena ADJEI]; New Patriotic Party or NPP [Jake OBETSEBI-LAMPEY]; People's National Convention or PNC [Alhaji Amed RAMADAN]; Reform Party [Kyeretwie OPUKU]; United Renaissance Party or URP [Charles WAYO]” **[3]**

See section on [Political Affiliation](#)

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## Human Rights

### 7. INTRODUCTION

- 7.01 The US State Department 2010 Country Report on Human Rights Practices, Ghana (USSD 2010 report), released 8 April 2011, noted:

“Human rights problems included the following: use of excessive force by police, which resulted in deaths and injuries; ethnic killings and vigilante violence; harsh and life-threatening prison conditions; police impunity; prolonged pretrial detention; arbitrary arrest of journalists; corruption in all branches of government; violence against women and children, including female genital mutilation (FGM); societal discrimination against women, persons with disabilities, gays and lesbians, and persons with HIV/AIDS; trafficking in women and children; ethnic discrimination and politically motivated violence; and child labor, including forced child labor.” **[1a](introduction)**

- 7.02 Amnesty International’s Annual Report 2011, The State of the World’s Human Rights, published 13 May 2011, stated that “Threats to freedom of expression grew. Thousands of people were forcibly evicted and thousands remained under threat of forced eviction. The criminal justice system remained slow, and prisons were overcrowded and poorly resourced. Violence against women continued to be pervasive.” **[4a]**

- 7.03 Ghana has signed/ratified a number of UN human rights treaties/conventions, including the Convention on the Rights of the Child (CRC), the Convention on the Elimination of Discrimination against Women (CEDAW), the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). **[79]**

For information on the United Nations human rights treaties Ghana is party to, see <http://www.ohchr.org/EN/countries/AfricaRegion/Pages/GHIndex.aspx> <http://www.bayefsky.com/bycategory.php/state/67> or [http://www.adh-geneva.ch/RULAC/international\\_treaties.php?id\\_state=71](http://www.adh-geneva.ch/RULAC/international_treaties.php?id_state=71)

See also [section 17](#), Human rights institutions, organisations and activists

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### 8. CRIME

- 8.01 Jane’s Country Risk Assessment – Ghana, Security, Organised Crime, updated 26 January 2011, noted:

“Ghana is among the traditional hubs in the Bight of Benin (along with Benin, Nigeria, and Togo) exploited by smugglers. The UN Office on Drugs and Crime (UNODC) World Drug Report 2007 indicated that Ghana and Nigeria are among the main African re-distribution centres for cocaine shipped along the Gulf of Guinea, with the narcotics being moved to various destinations in Europe. The trafficking of children is also a significant concern for Ghana, which in July 2006 signed a multilateral agreement aimed

at combating human trafficking in West and Central Africa along with other regional states.” **[30d]**

8.02 The Foreign and Commonwealth Office Travel Advice, updated 24 April 2012, noted that “violent crime can occur at any time.” **[2b]**

8.03 The US State Department report on International Narcotics Control Strategy, March 2012, noted:

"Ghana continues to be a transshipment point for illegal drugs, particularly cocaine from South America, as well as heroin from Afghanistan and Pakistan. Europe is the major destination, but drugs also flow to South Africa and to North America. Accra's Kotoka International Airport (KIA) is a focus for traffickers. Ports at Tema and Takoradi are also used, and border posts at Aflao (Togo) and Elubo and Sampa (Cote d'Ivoire) have seen significant drug trafficking activity. Gangs trafficking South American cocaine have increased their foothold in Ghana, establishing distribution networks run by Nigerian and Ghanaian criminals. Ghana's interest in attracting investment provides good cover for foreign drug barons to enter the country under the guise of legitimate business. However, South American traffickers limit their personal involvement in Ghana by relying on local partners, thus insulating themselves from possible arrest by local authorities.” **[1f]**

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## 9. SECURITY FORCES

9.01 The security forces included the police service, the Bureau of National Investigations (BNI) (Jane's, Sentinel Security Assessment – Ghana, Security and Foreign Forces, updated 7 December 2011) **[30b]** and the armed forces: comprised of the army, air force and navy. (Jane's, Sentinel Security Assessment – Ghana, Armed Forces, updated 30 January 2012). **[30a]**

9.02 The US State Department Report on Human Rights Practices 2010, released 8 April 2011, noted:

“The GPS [Ghana Police service], under the Ministry of Interior, was responsible for maintaining law and order. The military continued to participate in law enforcement activities during the year. A separate entity, the Bureau of National Investigations, handled cases considered critical to state security and answered directly to the Ministry of National Security. Police maintained specialized units in Accra for homicide, forensics, domestic violence, trafficking in persons, visa fraud, narcotics, and cybercrimes. Such services were unavailable nationwide, however, due to a lack of office space, vehicles, and other equipment outside of the capital. In May the GPS unveiled a five-year strategic plan to increase police personnel, housing, vehicles, and equipment, as well as to establish new training academies.” **[1a](section 1d)**

### POLICE

9.03 The Ghana Police Service (GPS) official website, undated, accessed 20 March 2012, noted that:

“The structure of the Police Service has expanded over the years with the creation of new units to address the increasing demands of governance and public safety. The day-to-day administration of the Police Service is under the unified command and authority of the Inspector-General of Police (IGP) who is based at the Police Headquarters in Accra, the nation’s capital. The IGP is assisted by a Deputy Inspector General of Police. Also assisting the IGP at the Police Headquarters is the Headquarters Management Advisory Board: (HEMAB)... The Ghana Police Service is divided into twelve (12) administrative regions namely: Accra, Tema, Ashanti, Brong Ahafo, Eastern, Volta, Western, Central, Northern, Upper East, Upper West and Railways, Ports and Harbour Regions. Below the regions, there are: 51 Police Divisions, Commanded by Divisional Commanders, 179 Police Districts Commanded by District Commanders, and 651 Police Stations and posts supervised by Station Officers. The Service has manpower strength of a little over twenty-three thousand 23,000 personnel with a male to female ratio of about 4:1 and police civilian ratio of about 1:1200. [31]

- 9.04 Jane’s, Sentinel Country Risk Assessment - Ghana, Security and Foreign Forces, updated 7 December 2011, further observed that the: “Police-associated departments of the interior ministry include ... [the] Criminal Investigations Department (CID); ... Narcotics Control Board (NCB); ... Immigration Service; [and] Customs and Excise Service.” Additionally Jane’s explained: “Ghana’s Customs and Excise Service operates as part of the Police Service”, and that “Border checkpoints are manned by the Immigration Service (under which there is a Border Patrol Unit) and the Customs and Excise Service. The army also conducts limited border security patrols...The Bureau of National Investigations (BNI) is responsible for matters of state security and answers directly to the executive. It replaced the Military Intelligence and Security Branch organisations that handled matters of state security before former president Jerry Rawlings took power in 1991.” [30b]
- 9.05 The Geneva Centre for the Democratic Control of Armed Forces (DCAF) 16 December 2011 report on the Security Sector and Gender in West Africa, on the country of Ghana, stated that “There are currently over 2,000 women in the service. Although this is a higher representation than many countries in the region, women still only account for 12.0–14.0% of police officers and 15.3–20.0% of overall police personnel, depending on the data used. In addition, little progress has been made in terms of the recruitment, training and promotion of women within the police force. Notably, women constitute 16.6% of rank-and-file officers, but account for only 10.3% of senior police officers.” [78](page 104)

## Police corruption

- 9.06 The Business Anti-Corruption Portal, Ghana Country Profile, updated April 2012, noted that “The police are considered one of the most corrupt institutions in Ghana, and companies should be aware of the potential for encountering demands for bribes from the police when dealing with court matters and vehicle registration as well as the transportation of goods.” [67]
- 9.07 A survey conducted by the Ghana Integrity Initiative, published in December 2011, which according to the website is ‘a local chapter of Transparency International’, listed in a table entitled ‘Institutions Perceived to be affected by Corruption’ the Police Service in first place with a score of 4.6 out of 5 (5 meaning “extremely corrupt”). For further details see the following news article:  
<http://www.tighana.org/giipages/giinews.php?idnews=44> . [68] Additionally to refer to

the survey report see:

<http://www.tighana.org/giipages/publication/Voice%20of%20the%20people%20Survey.pdf>

- 9.08 An article in GhanaWeb of 14 March 2012, 'Blame drivers for police corrupt practices- Police PRO', noted:

"The Ghana Police Service might have gained notoriety for being one of the most corrupt institutions in the country; but Acting Public Affairs Director of the service, DSP Cephas Arthur says the cause of the perceived corruption is because the police's work is mostly public. 'It is because we are in constant contact with the people at all times. Everybody travels and when the bad police officer stands at the roadside and takes the bribe, everybody sees it; but that officer in that corporate organizations who is taking the big money; nobody sees it<sup>2</sup>, he said this, according to him not to justify what some recalcitrant and miscreants police officers are doing, but to set the record straight; which is the police might not be the most corrupt institution.' He however said the service is constantly sprucing up the institution of these miscreants; citing the image cleansing campaign launched about two years ago. DSP also extended a hand of blame to motorists who willingly offer bribes to police officers to avoid being arrested after breaking the laws." [8k]

See also [Corruption](#)

For further information see the Ghana Police Service official website:

[http://www.ghanapolice.info/broad\\_formation.htm](http://www.ghanapolice.info/broad_formation.htm) [31]

See also section on Women, and for further information on domestic violence, including protection provided by DOVVSU (Domestic Violence and Victim Support Unit) see section on domestic violence

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## ARMED FORCES

- 9.09 Jane's, Sentinel Security Assessment - Ghana, updated 30 January 2012, noted that the armed forces consisted of 5,800 personnel in the army with 1,000 in the navy and 2,100 in the air force. [30a] (Armed forces).
- 9.10 The same Jane's document observed that "Although Ghana's former record of military involvement in government gave rise to some concern about future political intervention, the West African country appears to have successfully reigned in its military. The Ghana Armed Forces (GAF) are now considered among the most professional in the West Africa region and have specialised in peacekeeping operations with the UN and Economic Community of West African States (ECOWAS)." [30a]
- 9.11 An article of 9 March 2012 in the Chronicle (accessed via AllAfrica.com), 'Armed Forces Allays Opposition Fears Over Elite Forces', noted:
- "The Public Affairs Director of the Ghana Army, Col. Atintande Mbawine, has allayed the fears of some leaders of the opposition New Patriotic Party over the formation of what they say are special forces within the Ghana Armed Forces. The NPP has called on the government to clarify why special forces continue to exist within the Ghana

Armed Forces after they were proscribed by the 1992 Constitution. Apart from the regular Officers of the Army, Navy and Air Force who participated in the 55th Independence Day parade, a team of special forces from the same units were included in the march. The New Patriotic Party had explained it is difficult to comprehend why they may have been created. Mustapha Hamid, spokesperson for NPP's flagbearer, Nana Akufo-Addo expressed fears the creation of the elite forces, especially in an election year, betrays bad intentions by the government." **[32]**

## HUMAN RIGHTS VIOLATIONS BY GOVERNMENT FORCES

9.12 The USSD Report 2010 observed:

"Police brutality, corruption, negligence, and impunity were problems. Delays in prosecuting suspects, rumors of police collaboration with criminals, and a widespread perception of police ineptitude contributed to vigilante violence during the year. There were also credible reports that police extorted money by acting as private debt collectors, setting up illegal checkpoints, and arresting citizens in exchange for bribes from disgruntled business associates of those detained (see section 4). Low salaries, which were sometimes not paid on time, contributed to police corruption. On July 1, the government implemented the Single Spine Salary Structure, which increased the salaries of all police officers." **[1a](section 1d)**

### Arbitrary arrest and detention

9.13 The USSD 2010 Report noted that "The constitution and law provide for protection against arbitrary arrest and detention; however, the government frequently violated these prohibitions." **[1a](section 1d)**

9.14 The Amnesty International State of the World's Human Rights Annual Report 2011, published 13 May 2011, noted that "Individuals were regularly detained in police custody for longer than allowed by law. Police cells were overcrowded and insanitary, and detainees often relied on family members for food and water." **[4a]**

9.15 The USSD 2010 Report stated:

"The law requires judicial warrants for arrest and provides for arraignment within 48 hours; however, persons were frequently arrested without warrants, and detention without charge for periods longer than 48 hours occurred. Police detained some prisoners for indefinite periods by renewing warrants or by simply allowing them to lapse while an investigation was conducted. The constitution provides that a detained individual be informed immediately, in a language that the person understands, of the reasons for the detention and of his or her right to a lawyer at state expense if unemployed or indigent. The government did not always observe these rights. With some exceptions, lawyers were generally assigned promptly. Authorities routinely failed to notify prisoners' families of their incarceration. The law requires that a detainee who has not been tried within a 'reasonable time' as determined by the court be released either unconditionally or subject to conditions necessary to ensure that the person will appear in court at a later date; however, in practice, this provision was rarely observed." **[1a](section 1d)**

- 9.16 The United Nations Convention Against Torture, Concluding Observations of the Committee Against Torture, Ghana, published 15 June 2011, noted that:

“The Committee notes the measures adopted by the State party to ensure compliance with due process, including the right for all detainees ... to be informed immediately of their rights in a language they understand, and to appear before a judge within 48 hours of arrest. It also notes the establishment of pilot interrogation rooms in some police stations where fixed closed-circuit television (CCTV) cameras have been installed. However, the Committee expresses concern about reports that police fail to bring suspects before a judge within 48 hours of arrest, and that some police officers allegedly sign remand warrants themselves and take suspects directly to prison.”  
**[77](page 3)**

## Torture

- 9.17 The Freedom House report, Countries at the Crossroads 2010 – Ghana, published 7 April 2010, observed, “Though there are constitutional prohibitions on torture and physical abuse, there have been cases in which detainees suspected of violent crimes have reportedly been assaulted in police custody. This has increased in recent years, and the perpetrators are rarely held accountable.” **[6b] (Civil Liberties)**

- 9.18 The USSD 2010 Report stated:

“The constitution and law prohibit such practices; however, there were credible reports that police beat and abused suspects, prisoners, and other citizens. Severe beatings of suspects in police custody reportedly occurred throughout the country but generally were unreported in official channels. Police generally denied allegations or claimed that force was justified. Military officials also reportedly mistreated persons during the year. During the year several nongovernmental organizations (NGOs), lawyers, and civil society organizations publicly criticized police use of excessive force. A 2009 call by such organizations for the Inspector General of Police (IGP) to take action against security force members involved in abuse resulted in campaigns to raise awareness and in disciplinary actions against such officials during the year.” **[1a](section 1c)**

- 9.19 The United Nations Convention Against Torture, Concluding Observations of the Committee Against Torture, Ghana, published 15 June 2011, noted that “The Committee is gravely concerned at the State party’s statement that the likelihood that torture occurs in detention centres is high. The Committee has raised questions as to what will be done to stop this practice, including holding prison staff accountable and providing redress for those tortured. The Committee is concerned at the existence of legislation that allows caning or flogging, but takes note of the low frequency of such incidences.” **[77](page 4)**

## Extra-judicial killings

- 9.20 The USSD 2010 Report stated:

“There were no reports that the government or its agents committed politically motivated killings; however, use of excessive force by security forces resulted in the deaths of several armed criminal suspects and other persons during the year.

“On April 28, an inmate in Koforidua Prison, Eastern Region, died en route to the hospital. According to the Criminal Records Office at the Ghana Prisons Service, the inmate died of illness; however, one local newspaper charged that the prisoner died from injuries inflicted during torture. No postmortem exam was conducted because the Ghana Police Service (GPS) denied requests by hospital staff to conduct one, alleging that the staff had not followed proper procedures to request a postmortem.”

**[1a](section 1a)**

- 9.21 An opinion piece in the Chronicle of 16 January 2012, ‘Ghana: The Police Should Pay for Their Brutality’, noted:

“The Chronicle can authoritatively report that the police officers have never relented in their assault on the general populace, in spite of the freedom of expression and of association guaranteed in the 1992 Constitution

“The 2010 Report of the Auditor-General's Report catalogues a litany of misadventure undertaken by personnel of the police service, leading to loss of lives of innocent citizens, whose families have gone to court and succeeded in getting the state to pay compensations.

“Out of 86 judgment cases listed in the report, 10 dealt with police brutalities. In the first police case listed, the state paid GH¢13,500 to the family of Edward Bentum who was shot to death by the police.

“On February 26, 2010, the state paid GH¢11,812 as compensation to Kwadwo's estate for his death through police brutalities at Akim Ofoase.

“On January 28, 2010, the Controller and Accountant General's Office paid GH¢35,000 to the family of Daniel Mensah, who was beaten to death by policemen. The state also paid GH¢5,200 in respect of Victoria Dunuku, in respect of a road accident caused by reckless activities of police officers.

“A whopping amount of GH¢96,000 was paid as judgment debt, as a result of the failure on the part of the police to release a vehicle, after it was established that it was not stolen. On August 26, 2010, the state had to pay GH¢399,485.66 as compensation in respect of an accident caused by a reckless police driver on the Nkawkaw-Kumasi Road.

“There are a number of other payments in respect of compensations listed in the Auditor General's Report of 2010, owing their legitimacy to police misbehavior which has forced the state to pay compensation.” **[32c]**

## AVENUES OF COMPLAINT

- 9.22 A report from the Commission on Human Rights and Administrative Justice (CHRAJ), outlined the mandate of the CHRAJ as follows: “The Ghana Commission represents the model of a national institution that has fused in one-office different institutional mandates namely operating as, ... a) A Human Rights Institution b) The Ombudsman c) An Anti-Corruption Agency.” To access the CHRAJ report refer to the link:

[http://www.thecommonwealth.org/Shared\\_ASP\\_Files/UploadedFiles/783FC49E-D904-4AC4-BD55-785E4EF00E0C\\_GHANA.pdf](http://www.thecommonwealth.org/Shared_ASP_Files/UploadedFiles/783FC49E-D904-4AC4-BD55-785E4EF00E0C_GHANA.pdf) **[82]**

- 9.23 The USSD 2010 Report stated that “The CHRAJ investigates human rights abuses, public corruption, and abuse of power and is empowered to recommend punitive actions against proven violators...The CHRAJ, which mediated and settled cases brought by individuals against government agencies and private companies, operated with no overt interference from the government; however, some critics questioned its ability to investigate high-level corruption independently. Its biggest obstacle was a lack of adequate resources, which resulted in low salaries, poor working conditions, and the loss of many of its staff to other government and nongovernmental agencies. However, public confidence in the CHRAJ was high, resulting in an increased workload for its staff, whose salaries were often delayed due to a chronic lack of resources and administrative issues.” **[1a](sections 4 and 5)**
- 9.24 The Ghana Police Service Official Website, undated, (accessed on 18 April 2012) gave details of its own investigation service: “The Police Intelligence and Professional Standards Bureau (PIPS) formerly Monitoring and Inspection Unit (MIU) of the Ghana Police Service is a unit set up to receive and investigate complaints from the public about the conducts of police personnel...It's headed by an Assistant Commissioner of Police.” **[14a]**
- 9.25 The Freedom House report, Countries at the Crossroads 2010 – Ghana, published 7 April 2010, stated that:
- “In cases of security sector human rights abuses, impunity remains a problem. The Police Intelligence and Professional Standards Unit (PIPS) receives and investigates complaints of abuses. While the PIPS is considered to be more effective than previous police accountability mechanisms, collusion between police and judges has hindered the justice process, frequently resulting in the prolonged adjournment of cases.... While corruption is common within the police force, investigation by the CHRAJ or the Serious Fraud Office remains unlikely... Military abuses may also go unpunished or languish in the attorney general's office for months or years before going to trial. A high-profile case in which three soldiers allegedly killed 21-year old Evans Kusi after he disobeyed their orders in March 2007 was eventually ordered to court after media efforts to raise public awareness about the case thwarted attempts to quietly settle the case out of court. Nevertheless, two of the soldiers were released on bail, and the attorney general continued to delay the trial throughout 2008.” **[6b] (Rule of law)**
- 9.26 The USSD 2010 Report stated that “The 33-person Police Intelligence and Professional Standards Unit (PIPS) investigated human rights abuses and police misconduct. During the year PIPS received 1034 new cases; of those, 430 cases were closed, and 604 remained under investigation at year's end. Among the 604 cases being investigated at year's end, 100 involved complaints of harassment, 37 involved unlawful arrest, and 46 involved alleged police brutality with human rights violations.” **[1a](section 1d)**

See also section on [Judiciary](#)

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## 10. MILITARY SERVICE

- 10.01 The CIA World Factbook profile of Ghana, last updated 13 April 2012, in its section on military service age and obligation, noted that “18-26 years of age for voluntary military service, with basic education certificate; no conscription (2011).” [3]
- 10.02 The website of the Ghana Armed Forces, undated, (accessed 20 April 2012) provided information on the entry requirements for recruitment into the Ghana Armed Forces in 2012. This included being a Ghanaian citizen by birth; of good character; medically fit; not married or bonded and of a minimum height of 1.67m for males and 1.57m for females. [80]
- 10.03 With regard to age, the source noted: “... Be not less than 20 years and not more than 25 years by 31 May 2012 for Regular Commission and not more than 30 years by 31 January 2012 for Short Service Commission.” Users should be aware that this information differs to that listed above as cited in the CIA World Factbook.

For further information refer direct to the link:

[http://www.gaf.mil.gh/index.php?option=com\\_content&view=article&id=82:recruitment-into-the-ghana-armed-forces&catid=76:recruitment&Itemid=107](http://www.gaf.mil.gh/index.php?option=com_content&view=article&id=82:recruitment-into-the-ghana-armed-forces&catid=76:recruitment&Itemid=107)

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## 11. JUDICIARY

- 11.01 A page entitled ‘Judiciary’ accessed on the site GhanaWeb, undated, (accessed 16 April 2012) explained:

“Ghanaian courts have acted with increased autonomy under the 1992 constitution, but are still subject to governmental influence, especially in media-related cases. The civil law in force in Ghana is based on the Common Law, doctrines of equity and general statutes which were in force in England in 1874, as modified by subsequent Ordinances. Ghanaian customary law is, however, the basis of most personal, domestic and contractual relationships. Criminal Law is based on the Criminal Procedure Code, 1960, derived from English Criminal Law, and since amended. The Superior Court of Judicature comprises a Supreme Court, a Court of Appeal, a High Court and a Regional Tribunal. Inferior Courts include Circuit Courts, Circuit Tribunals, Community Tribunals and such other Courts as may be designated by law.” [8j]

### ORGANISATION

- 11.02 The Government of Ghana Official Portal section on Judiciary, undated, accessed 16 April 2012, noted:

“The Judiciary shall have jurisdiction in all matters civil and criminal...and such other jurisdiction as Parliament may, by law, confer on it. The Judiciary shall consist of : The Superior Courts of Judicature comprising (i) The Supreme Court; (ii) The Court of Appeal; and (iii) The High Court and Regional Tribunals.

“According to the constitution, the Supreme Court shall consist of the Chief Justice and not less than nine other Justices of the Supreme Court. At present, the Supreme Court of Ghana, which consists of the Chief Justice and ten other Justices, is the final court of

appeal and has jurisdiction over matters relating to the enforcement or the interpretation of constitutional law.

“The Court of Appeal, which includes the chief justice and not fewer than ten other judges, has jurisdiction to hear and to determine appeals from any judgment, decree, or High Court of Justice order. The High Court of Justice, which consists of the chief justice and not fewer than twenty other justices, and such other Justice of the Superior Court of Judicature as the Chief Justice may, by writing signed by him, request to sit as High Court Justice for any period. The high court has jurisdiction in all matters, civil and criminal, other than those involving treason.

“Lower Courts: Such lower courts or tribunals as Parliament may by law establish. Regional Tribunals shall consist of the Chief Justice, one Chairman and such members who may or may not be lawyers as shall be designated by the Chief Justice to sit as panel members of a Regional Tribunal and for such period as shall be specified in writing by the Chief Justice.” [57]

#### 11.03 The Ghana law website provided more detail on the courts of Ghana:

“The Supreme Court is the final court of appeal in Ghana and has jurisdiction in all civil and criminal matters. It also has exclusive original jurisdiction in all matters relating to the enforcement or interpretation of the Constitution and matters relating to Parliament or any other body exceeding its powers, or acting *ultra vires*, in the making of enactment. It further has exclusive jurisdiction whether an official document may not be produced before the courts because its production may be prejudicial to the security of the state. The Supreme Court hears appeals from the Court of Appeal, the High Court (in relation to high treason or treason), the Judicial Committee of the National House of Chiefs and exercises supervisory jurisdiction over all courts and adjudicating authorities. Finally, it also serves, on referral from the President of Ghana as the final appellate court of mercy, irrespective of the court imposing the sanction for an offence or conviction.

“...The Court of Appeal determines appeals from the High Court of Justice (with the exception of treason and high treason) Regional Tribunal and the Circuit Court in all matters civil or criminal.

“...The High Court has original jurisdiction, subject to other provisions of the Constitution, in all matters civil and criminal; jurisdiction to enforce Fundamental Human Rights and Freedoms guaranteed by the Constitution jurisdiction conferred in relation to infants, jurisdiction over persons of unsound mind, maritime matters The High Court has appellate jurisdiction in criminal matters from the Circuit Court; appellate jurisdiction over the District and Juvenile Courts; and any other jurisdiction conferred pursuant to the Constitution. It has exclusive jurisdiction over piracy, but has no jurisdiction in matters of treason or high treason. It also has supervisory jurisdiction over all lower courts and all lower adjudicating authorities.

“...A Regional Tribunal has concurrent original jurisdiction with the High Court in criminal matters. A Regional Tribunal is especially empowered by the Courts Act to try matter falling under Chapter 4 of Part III of the Criminal Code, 1960 (Act 29), offences arising from the Customs, Excise and Preventive Services Management Law, 1993 (PNDC 330), Income Tax Decree, 1975 (SMCD 5), Narcotic Drugs (Control,

Enforcement and Sanctions) Law, 1990 (PNDCL 236) and any other offence involving serious economic fraud, loss of state funds or property.

“...The Circuit Court has original jurisdiction in civil matters (i) in personal actions where the amount claimed is not more than ₵100 million (ii) in landlord and tenancy matters for the possession of land claimed under lease; (iii) in matters involving the ownership, possession, occupation of or title to land; (iv) to appoint guardians of infants and to make orders for the custody of infants; (v) to grant injunctions or orders to stay waste, or alienation or for the detention and preservation of any property or to restrain breaches of contract or the commission of any tort; (vi) in claims of relief by way of interpleader in respect of land or other property attached in execution of an order made by a Circuit Court; and (vii) in applications for the grant of probate or letters of administration in respect of the estate of a deceased person, and in causes and matters relating to succession to property of a deceased person, who had at the time of his death a fixed place of abode within the area of jurisdiction of the Circuit Court and the value of the estate or property in question does not exceed ₵100 million. The Circuit Court also has jurisdiction in all criminal matters other than treason, offences triable on indictment and offences punishable by death.

“...The District Court has original jurisdiction in civil matters: i. in personal actions where the amount claimed does not exceed ₵50 million; ii. to grant injunctions or orders to stay waste or alienation or for the detention and preservation of any property, or restrain breaches of contracts or the commission of any tort; iii. in claims for relief by way of interpleader in respect of land or other property attached in execution of a decree made by the District Court; iv. in landlord and tenancy matters; v. in actions relating to ownership, possession or occupation of land where the value of the land does not exceed ₵50 million; vi. in divorce and other matrimonial causes or matters and actions for paternity and custody of children; vii. in applications for the grant of probate or letters of administration in respect of the estate of a deceased person, and in causes and matters relating to succession to property of a deceased person, where the value of the estate or property in question does not exceed ₵50 million; and viii. in juvenile matters. A District Court has jurisdiction to determine any action under the Children’s Act, 1998 and exercises powers conferred on the Family Tribunal under that Act. The District Court has jurisdiction in criminal matters to try summarily an offence, an attempt to commit an offence, abetment or conspiracy in respect of an offence punishable by a fine not exceeding 500 penalty points or imprisonment for a term not exceeding 2 years or both; any other offence except an offence punishable by death or by life imprisonment or an offence declared to be a first degree felony.

“...Jurisdiction of District Courts in Juvenile matters Under section 49 of Act 459, as amended, the Chief Justice may designate a District Court as a Juvenile Court. A Juvenile Court has power to hear and determine any matter civil or criminal that involves a person under the age of eighteen.” **[58]**

11.04 The US State Department 2010 Country Report on Human Rights Practices, Ghana (USSD 2010 report), released 8 April 2011, noted:

“The constitution and law provide for an independent judiciary; however, the judiciary was inefficient and subject to influence and corruption (see section 4).

“Members of the military were tried separately under the criminal code in a military court. Military courts, which provide the same rights as civil courts, were not permitted to

try civilians. Despite alternate dispute resolution (ADR) procedures to decongest the courts and to address judicial inefficiency, court delays persisted. Mediators have been trained throughout the country to implement ADR, mediation desks have been established in some district courts, and an ADR secretariat was established within the Judicial Service. Nevertheless, even in fast-track courts, which were established to hear cases to conclusion within six months, trials could last for years.

“The Chieftaincy Act gives village and other traditional chiefs the power to mediate local matters and to enforce customary tribal laws dealing with such matters as divorce, child custody, and property disputes. However, the authority of traditional rulers has steadily eroded because of a commensurate increase in the power of civil institutions, such as courts and district assemblies.

“A judicial complaints unit, headed by a retired Supreme Court justice, addressed public complaints, such as unfair treatment by a court or judge, unlawful arrest or detention, missing dockets, delayed trials and delivery of judgments, and alleged bribery of judges. During 2009 the unit received 345 complaints, of which 294 were resolved and 51 remained under investigation at year's end.” **[1a](section 1e)**

The Judicial Service of Ghana has its own website: <http://www.judicial.gov.gh/>

## INDEPENDENCE

11.05 The Freedom House Freedom in the World Report 2011, published June 2011, noted:

“Ghanaian courts have acted with increased autonomy under the 1992 constitution, but corruption remains a problem. Scarce resources compromise the judicial process, and poorly paid judges are tempted by bribes. The Accra Fast Track High Court is specifically tasked with hearing corruption cases involving former government officials, but many observers raised doubts about its impartiality and respect for due process under the Kufuor administration. In August 2010, the chairman of the NDC urged the chief justice to ‘purge’ the judiciary of corruption or face government intervention, leading critics to condemn the NDC for attempting to infringe upon the judiciary's independence.” **[21c]**

11.06 The Freedom House report, Countries at the Crossroads 2010 – Ghana, published 7 April 2010, observed:

“The president is influential in the appointment of all the superior court judges, including the chief justice, whom the president names in consultation with the Council of State (also largely appointed by the president) and with the approval of Parliament (where the president's party typically has a majority). Supreme Court judges are appointed by the president on the advice of the Judicial Council and in consultation with the Council of State. Also, because the constitution stipulates the minimum but not the maximum number of Supreme Court judges, the president could theoretically ‘pack’ the court with as many judges as he wished, though this has not occurred in practice. More troubling is the fact that a panel of the Supreme Court to hear a given case is ‘duly constituted for its work by not less than five Supreme Court Justices’ out of the constitutional minimum of nine. The constitution is silent on who selects the judges for each case, and by convention it has become the exclusive preserve of the chief justice. It is therefore possible in theory for a chief justice to determine the outcome of a particular case by selecting a panel based on the political and judicial leanings of the other justices, and

indeed for a president to do so indirectly by appointing a sympathetic chief justice. There have been unconfirmed reports of executive interference in cases via pressure exerted through executive-friendly judges and of the chief justice influencing the decisions of trial court judges.

“In the 2008 Afrobarometer survey, 79 percent of Ghanaians expressed the opinion that the judiciary was corrupt.” **[21b] (Rule of law)**

- 11.07 More recently, a survey conducted by the Ghana Integrity Initiative, published in December 2011, which according to the website is ‘a local chapter of Transparency International’, listed in a table entitled ‘Institutions Perceived to be affected by Corruption’, the Judiciary in fifth place, ahead of parliament, but behind the executive, political parties, customs and the police service. According the table the judiciary scored 3.6 out of 5 (1 meaning ‘not corrupt at all’, and 5 meaning ‘extremely corrupt’). For further details see the following news article:

<http://www.tighana.org/giipages/giinews.php?idnews=44> . **[68]** Additionally to refer to the survey report:

<http://www.tighana.org/giipages/publication/Voice%20of%20the%20people%20Survey.pdf>

- 11.08 An article of 20 September 2011 in Vibe Ghana, ‘Judicial Independence alone cannot secure the rule of Law’, noted:

“The Chief Justice, Mrs Georgina Theodora Wood, on Monday said to ensure and maintain rule of law, it was essential that the judiciary as a whole was relatively free from all outside interference. She said in addition to institutional independence, there must also be individual judicial independence or decisional independence...Mr Frank Beecham, National President of the Ghana Bar Association, called on the public to criticize the judiciary constructively adding, the association was embarking on a war against corrupt judges and lawyers. He admitted that there were cases of bribery and corruption in the judiciary service but that it was a two way programme of which ‘you have the bribe giver and the recipient’ and called on all stakeholders including churches to help address the indiscipline in the judicial service.” **[59]**

## FAIR TRIAL

- 11.09 The USSD 2010 Report stated:

“The constitution and law provide for the right to a fair trial, and the judiciary generally enforced this right; however, the judiciary was sometimes inefficient and subject to influence and corruption. Defendants are presumed innocent, trials are public, and defendants have a right to be present, to be represented by an attorney (at public expense if necessary), and to cross-examine witnesses. Defendants and their attorneys have access to government-held evidence relevant to their cases and have a right to appeal. Defendants have the right also to present witnesses and evidence. Juries are used in murder trials. The law extends the above rights to all citizens. In practice, authorities generally respected these safeguards.” **[1a](section 1e)**

- 11.10 The Freedom House report, Countries at the Crossroads 2010 – Ghana, published 7 April 2010, observed, “The right to counsel is guaranteed by the constitution. However, its effect is muted by the cost of hiring an attorney, the limited capacity and resources of

Ghana's legal aid system, inadequate information about the availability of legal aid, and a shortage of lawyers in many districts.” **[21b] (Rule of law)**

- 11.11 The United Nations Convention Against Torture, Concluding Observations of the Committee Against Torture, Ghana, published 15 June 2011, noted:

“The Committee values the information and clarification given by the representative of the State party in respect of the 1975 Evidence Decree...which regulates the taking of evidence in legal proceedings, and which renders inadmissible as evidence statements made in the absence of ‘an independent witness approved by the person other a police officer or a member of the Armed Forces’. However, the Committee is concerned that the regulation does not refer explicitly to torture. It is also concerned at the lack of information on decisions taken by the Ghanaian courts to refuse confessions obtained under torture as evidence.” **[77] (page 4)**

See section on [Corruption](#)

## PENAL CODE

- 11.12 The Ghana Criminal Code, published 12 January 1961, can be accessed via the following link:  
<http://www.unhcr.org/refworld/country,LEGAL,,LEGISLATION,GHA,,44bf823a4,0.html>  
**[60]**

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## 12. ARREST AND DETENTION – LEGAL RIGHTS

- 12.01 The United States State Department Report on Human Rights Practices 2010, released 8 April 2011, noted:

“The law requires judicial warrants for arrest and provides for arraignment within 48 hours; however, persons were frequently arrested without warrants, and detention without charge for periods longer than 48 hours occurred. Police detained some prisoners for indefinite periods by renewing warrants or by simply allowing them to lapse while an investigation was conducted. The constitution provides that a detained individual be informed immediately, in a language that the person understands, of the reasons for the detention and of his or her right to a lawyer at state expense if unemployed or indigent. The government did not always observe these rights. With some exceptions, lawyers were generally assigned promptly. Authorities routinely failed to notify prisoners' families of their incarceration. The law requires that a detainee who has not been tried within a ‘reasonable time’ as determined by the court be released either unconditionally or subject to conditions necessary to ensure that the person will appear in court at a later date; however, in practice, this provision was rarely observed.” **{1a}(section 1d)**

See sections on [Security Forces](#) and [Prison conditions](#)

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### 13. PRISON CONDITIONS

- 13.01 The United Nations Convention Against Torture, Concluding Observations of the Committee Against Torture, Ghana, published 15 June 2011, on the subject of the conditions of detention, noted that:

“The Committee takes note of the information provided by the State party on steps taken to deal with the problems of overcrowding and prolonged pretrial detention, notably by the construction of a new penitentiary at Ankafu, and the introduction of the Justice for All programme in 2007. The Committee is nevertheless concerned at the high levels of occupancy recorded in most detention centres, which are described in the State party’s report as ‘in very deplorable state’ and ‘not suitable for habitation’. It further notes with particular concern persistent reports of the lack of staff, poor health and hygiene conditions, inadequate health-care services, shortage of bedding and food. In this regard, the Committee notes that inmates are fed by the State only once a day because the stipend for their upkeep is below US\$1. The Committee also expresses concern at reports about the limited number of remand homes for juvenile offenders, and the poor conditions in such institutions. The Committee takes positive note of the marked decrease in the number of deaths in prison (from 118 in 2008 to 55 in 2010), but regrets the lack of information on the causes of these deaths. It also regrets the lack of information on the conditions of detention for migrants with irregular administrative status.” [77](page 5)

- 13.02 The US State Department Country Report on Human Rights Practices 2010 (USSD report), released 8 April 2011, noted:

“Prison conditions generally were harsh and sometimes life threatening. Police beat suspects in custody. Much of the prison population was held in buildings that were originally colonial forts or abandoned public or military buildings with poor ventilation and sanitation, substandard construction, and limited space and light. Many prisoners slept on bare floors or took turns using beds. As many as 55 inmates commonly shared a cell intended for 12. According to the 2009 Prisons Service Annual Report, 13,778 prisoners (average daily lockup) were held in prisons designed to hold approximately one-third that number. The CHRAJ noted that the most common ailments affecting prisoners stemmed from overcrowding, poor nutrition, and a lack of ventilation. Medical facilities were inadequate, and the prisons supplied only the most basic medicines. Prisoners relied on families or outside organizations for additional food, medicine, and other necessities. According to the CHRAJ, the daily food stipend for prisoners was 60 pesewas (\$.40), which the CHRAJ deemed too low. Shortages of food, bedding, clean water, and clothing for prisoners persisted.

“...There were 189 female and 121 juvenile inmates in the country’s 42 prisons. Juvenile detainees were not housed separately from adults, and pretrial detainees were held with convicted prisoners.

“Prisoners and detainees had reasonable access to visitors and were permitted religious observance. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions and treatment; however, submission of complaints by prisoners was not common practice. Authorities investigated credible allegations of inhumane conditions and treatment and documented the results. Whenever allegations of inhumane treatment are made, the accused officer is asked to

respond. If prison authorities are unsatisfied with the response of the officer, an internal inquiry is launched and recommendations for disciplinary action are submitted to the director general of the Prisons Service.

“The government permitted independent monitoring of prison conditions by the CHRAJ, which served as the official ombudsman, and the Welfare Unit of the Prisons Service. During the year the CHRAJ monitored 28 of the total 42 prisons and prison camps in the country. The CHRAJ and other NGOs worked on behalf of prisoners and detainees to help alleviate inhumane overcrowding; to address the status and circumstances of confinement of juvenile offenders; and to improve pretrial detention, bail, and recordkeeping procedures to ensure prisoners did not serve beyond the maximum sentence for charged offenses.

“The government also permitted independent monitoring of prison conditions by international human rights groups, including the International Committee of the Red Cross; however, no such visits were conducted during the year.

“During the year 204 inmates in Nsawam Medium Security Prison, Eastern Region, were discharged under the "Justice for All" program, which began in 2008 to ease prison overcrowding and to accelerate judicial processes; another 251 inmates in the country were released on bail.” **[1a](section 1c)**

- 13.03 The Geneva Centre for the Democratic Control of Armed Forces (DCAF) 16 December 2011 report on the Security Sector and Gender in West Africa, on the country of Ghana, stated that:

“Female personnel form a significant proportion of the penal service, accounting for approximately 28.1% of total staff and at least 29.5% of subordinate officers. In terms of rank, women are underrepresented among senior-level staff, at 13.8%. The Prison Ladies Association (PRILAS) was formed in 2006. Penal service staff have received some training offered by international actors, but there is no institutionalised gender training. Furthermore, no institutional gender policy, sexual harassment policy or gender-sensitive code of conduct could be identified, although a strict policy that separates male and female prison guards and prisoners of the opposite sex is in place. Thus there are separate prisons for women and men, and only female officers may work in women’s prisons. Women constitute 2.3–3.7% of inmates in Ghana. The gender-specific needs of prisoners are taken into consideration to a certain extent, especially regarding childcare and pregnancy, though data in these areas are limited. In terms of oversight, the Prisons Service Council advises the president on policy, operational and maintenance aspects of the prison system. Externally, the Commission on Human Rights and Administrative Justice regularly visits prisons to ensure that the rights of prisoners are upheld. However, procedures for responding to internal cases of abuse are not clearly outlined.” **[78](page 110)**

- 13.04 The Freedom House report, Countries at the Crossroads 2010 – Ghana, published 7 April 2010 observed:

“Ghana's prisons are severely overcrowded. In 2008, the country's prisons had an official capacity of some 8,000 inmates but actually housed over 14,000. Ghana's Commission on Human Rights and Administrative Justice (CHRAJ) reported that prisoners' rights in terms of bedding and medical care were being violated. Few steps have been taken to address the overcrowding issue beyond occasional blanket pardons

of prisoners; one of the last acts of the Kufuor government was to grant pardons to 500 inmates. The sentencing of juvenile offenders to long prison sentences is commonplace, and while judges often have the option of imposing noncustodial sentences, they rarely do so. Another reason for the overcrowding is the large number of pre-trial detainees, who often remain in remand for several years despite a rule requiring that they be tried within a 'reasonable time.' Pre-trial detainees made up approximately 29.7 percent of the prison population as of October 2008, an increase from an estimated 22 percent in 2003." **[21b](Civil Liberties)**

13.05 The Freedom House report, Freedom in the World 2011, published 12 May 2011, stated that "Prisons suffer from overcrowding and often life-threatening conditions. In an attempt to reduce overcrowding, a government initiative introduced in 2008 has led to the release of some prisoners who had been on prolonged remand without trial. A 2009 presidential pardon of 1,021 prisoners eased some of the strain on prison infrastructure." **[21c](Political Rights and Civil Liberties)**

13.06 An October 2011 Ghana Broadcasting Corporation article, 'Call to improve Ghana prison conditions', noted:

"The Chairman of the Board of Directors of Security and Exchange Commission of Ghana, Prof Emmanuel Dankwa has recommended that the country undertakes reforms which will ensure that prison conditions are humane. He said the prisons are overcrowded and most times with persons who have otherwise not been proven by a court of law as guilty. Professor Dankwa said the judiciary must fairly apply laws that will provide justice and also fast track cases before them. Government must also take initiatives to build more prisons to contain the ever growing number of prisoners." **[33]**

13.07 The International Centre for Prison Studies World Prison Brief for Ghana, undated, circa 2010, accessed 21 March 2012, stated:

|  |   |
|--|---|
| Country  | <b>GHANA</b>  |
| Ministry responsible   | <b>Ministry of the Interior</b>   |
| Prison administration  | <b>Ghana Prisons Service</b>  |
| Contact address  | <b>Prisons Headquarters, PO Box 129, Accra, Ghana</b>   |
| Telephone/fax/website  | tel: <b>+233 21 760093 or 760094</b><br>fax: <b>+233 21 772865</b><br>Web: <a href="mailto:prisons@4u.com.gh">prisons@4u.com.gh</a> |
| Head of prison administration (and title)                                  | <b>Michael Kofi Bansah</b><br>Director General  |
| Prison population total (including pre-trial detainees / remand prisoners) | <b>13,573</b><br>at 9.8.2010 (national prison administration)   |
| Prison population rate (per 100,000 of national population)                | <b>56</b><br>based on an estimated national population of 24.2 million at August 2010 (from United Nations figures)                 |

|   |   |             |              |             |      |              |             |      |               |             |      |               |             |      |               |             |
|---|---|-------------|--------------|-------------|------|--------------|-------------|------|---------------|-------------|------|---------------|-------------|------|---------------|-------------|
| Pre-trial detainees / remand prisoners (percentage of prison population)                | <b>28.6%</b><br>(5.10.2009)   |             |              |             |      |              |             |      |               |             |      |               |             |      |               |             |
| Female prisoners (percentage of prison population)                                      | <b>1.9%</b><br>(5.10.2009)  |             |              |             |      |              |             |      |               |             |      |               |             |      |               |             |
| Juveniles / minors / young prisoners incl. definition (percentage of prison population) | <b>0.8%</b><br>(5.10.2009 - under 18)   |             |              |             |      |              |             |      |               |             |      |               |             |      |               |             |
| Foreign prisoners (percentage of prison population)                                     | <b>4.5%</b><br>(5.10.2009)  |             |              |             |      |              |             |      |               |             |      |               |             |      |               |             |
| Number of establishments / institutions   | <b>42</b><br>(2010)   |             |              |             |      |              |             |      |               |             |      |               |             |      |               |             |
| Official capacity of prison system  | <b>7,875</b><br>(9.8.2010)  |             |              |             |      |              |             |      |               |             |      |               |             |      |               |             |
| Occupancy level (based on official capacity)  | <b>172.4%</b><br>(9.8.2010)   |             |              |             |      |              |             |      |               |             |      |               |             |      |               |             |
| Recent prison population trend (year, prison population total, prison population rate)  | <table> <tr> <td>1995</td> <td><b>7,727</b></td> <td><b>(45)</b></td> </tr> <tr> <td>1998</td> <td><b>8,364</b></td> <td><b>(45)</b></td> </tr> <tr> <td>2001</td> <td><b>10,444</b></td> <td><b>(53)</b></td> </tr> <tr> <td>2004</td> <td><b>11,581</b></td> <td><b>(54)</b></td> </tr> <tr> <td>2007</td> <td><b>13,335</b></td> <td><b>(58)</b></td> </tr> </table> | 1995        | <b>7,727</b> | <b>(45)</b> | 1998 | <b>8,364</b> | <b>(45)</b> | 2001 | <b>10,444</b> | <b>(53)</b> | 2004 | <b>11,581</b> | <b>(54)</b> | 2007 | <b>13,335</b> | <b>(58)</b> |
| 1995  | <b>7,727</b>  | <b>(45)</b> |              |             |      |              |             |      |               |             |      |               |             |      |               |             |
| 1998  | <b>8,364</b>  | <b>(45)</b> |              |             |      |              |             |      |               |             |      |               |             |      |               |             |
| 2001  | <b>10,444</b>   | <b>(53)</b> |              |             |      |              |             |      |               |             |      |               |             |      |               |             |
| 2004  | <b>11,581</b>   | <b>(54)</b> |              |             |      |              |             |      |               |             |      |               |             |      |               |             |
| 2007  | <b>13,335</b>   | <b>(58)</b> |              |             |      |              |             |      |               |             |      |               |             |      |               |             |

[34]

## 14. DEATH PENALTY

14.01 The Death Penalty Project, Ghana Country Profile', undated, (accessed 7 March 2012) noted:

"Whilst Ghana retains the death penalty for murder, treason and armed robbery *de jure*, it has not executed anyone since 1993, and is therefore believed to have a policy or established practice of *de facto* abolition. At least 7 death sentences were imposed in 2009, although no executions took place. Ghana abstained from voting in both the 2007 and 2008 UN General Assembly Resolutions on the adoption of a moratorium on the use of the death penalty. Although Ghana has been a party to the International Convention on Civil and Political Rights (ICCPR) since 2000, it has neither signed nor ratified the Second Optional Protocol to the ICCPR aiming at the abolition of the death penalty (1989)." [1a]

14.02 The website Hands of Cain, Ghana country page, undated, circa December 2011, classified Ghana's position with regard to the death penalty as "Abolitionist de facto" and recorded the date of its last execution as July 1993. However the same source, citing information from Amnesty International, observed there to be 123 prisoners on death row in Ghana as of 31 December 2011. Additionally the source observed:

"The death penalty has been in Ghana's statute books since the inception of English common law in the country in 1874. ... Ghana still retains the death penalty for armed robbery, treason and first-degree murder. ... Under Article 72 of the Constitution the president may exercise the Prerogative of Mercy and grant amnesty. ... According to human rights activists and the Ghana Bar Association, at least 155 people were executed between 1984 and 1993 when former President Jerry Rawlings headed an iron-fisted military government. Many were soldiers suspected of coup plotting.

"The 2000 presidential and parliamentary elections – the first in the country that saw a transfer of power through elections – saw John Kufuor take over from Jerry Rawlings, who had been in power for over 20 years as coup leader first, then as democratically-elected president since 1992. ... in April 2000, 100 people had their death sentences commuted to life terms. In February 2001, the then Justice Minister, and present Foreign Minister, Nana Akufo-Addo, spoke out publicly against the death penalty. In June 2003, nearly ten years after the last execution (July 1993), President John Agyekum Kufuor, known as the 'Gentle Giant', granted amnesty to 179 prisoners that had spent at least ten years on death row. ... No executions have taken place since July 1993, when 12 prisoners who had been convicted of armed robbery or murder were executed by firing squad. Executions may also be carried out by hanging but Ghana's last hanging was performed in 1968. ... On March 6, 2007 Ghana's President, John Kufuor, freed or commuted the sentences of 1,206 prisoners to mark the 50th anniversary of independence, according to an Interior Ministry statement. Thirty-six prisoners who were on death row have had their sentences commuted to life in prison. ... Three prisoners who were serving life sentences had their jail terms reduced to 20 years. And 1,167 detainees serving lesser sentences have been freed, said the statement. ..." **[81]**

14.03 The Amnesty International report, Death Sentences and Executions 2011, published 27 March 2012, stated:

"No executions have been carried out since 1993, but four new death sentences were imposed in Ghana, including on one woman, in 2011. One hundred thirty-eight people, including four women, are on death row. In most cases, death sentences are commuted to life in prison after 10 years. In its Final Report presented on 20 December, the Constitutional Review Commission in Ghana recommended to the President that the death penalty should be abolished in the new Constitution. Any amendment to the Constitution to remove the death penalty would have to be approved by a national referendum." **[4b](page 48)**

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## 15. POLITICAL AFFILIATION

See also sections on [Human Rights Institutions, Organisations and Activists](#) and [Freedom of Speech and Media](#)

## FREEDOM OF POLITICAL EXPRESSION

- 15.01 The US State Department 2010 Report (USSD Report 2010) on Human Rights Practices, released 8 April 2011, noted that “The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right through periodic, free, and fair elections held on the basis of universal suffrage.” **[1a](section 3)**
- 15.02 The Freedom House report, Freedom in the World 2011, published 12 May 2011, observed that “Ghana is an electoral democracy. The December 2008 presidential and parliamentary elections were considered fair and competitive. The president and vice president are directly elected on the same ticket for up to two four-year terms. Members of the unicameral, 230-seat Parliament are also elected for four-year terms. The political system is dominated by two rival parties, the NPP [New Patriotic Party] and the NDC [National Democratic Congress].” **[21c]**
- 15.03 The Center for Strategic and International Studies June 2011 report, ‘Ghana: Assessing Risks to Stability’, noted:
- “Ghana is dominated by two main political parties, the New Patriotic Party (NPP) and the National Democratic Congress (NDC). These parties enjoy almost identical levels of support; the last election in December 2008 was decided on the basis of only a few thousand votes. Though the NPP claims a center-right position and the NDC claims to occupy the center-left, the ideology of both parties has been fluid and broadly similar. In practice, the ideological divisions are moderated by the external influence of major donors, most notably the World Bank and the IMF, and the pragmatic influence of powerful individuals within each party. A third party, the Convention People’s Party continues to promote the Nkrumahist tradition of national self-reliance, as well as social justice. But it is largely confined to the margins.” **[74](page 4)**
- 15.04 An article of 19 March 2012 on the International Freedom of Expression Exchange (IFEX) website, ‘Political activist detained over allegations against first lady’, noted:
- “A ruling National Democratic Congress (NDC) activist, Ernest Owusu Bempah, a fiery critic of President Atta Mills’ administration, was on March 14, 2012 detained on charges of ‘publishing false information with the intent to cause fear and alarm’ in Accra. On March 16, two days after his arrest, he was granted police inquiry bail. Bempah, the Operations Director of the Friends of Nana Konadu Agyeman-Rawlings (FONKAR), was kept at the regional headquarters of the Bureau of National Investigations (BNI) in Accra after he was invited by the BNI on March 14. Bempah had made allegations on Accra-based Oman FM radio station that the President’s wife, Mrs. Naadu Mills, had received a gift of 5 million Ghana Cedis (approximately US\$2,941,176) from a businessman who is facing trial for allegedly defrauding the state of tens of millions of dollars. Both the government and the first lady have denied the allegations. Lawyers of Naadu Mills have expressed their intention to institute a civil legal action against Bempah.” **[43b]**
- 15.05 The same IFEX article continued:
- “FONKAR is a group within the ruling NDC that was formed last year to support the presidential ambition of Nana Konadu Agyeman-Rawlings, wife of ex-President Rawlings. Mrs. Rawlings was defeated by President Mills during the NDC congress last year. Before and since the congress there has been considerable acrimony between FONKAR and the mainstream NDC led by President Mills. In recent times, there has

been a spate of political reckless statements and unsubstantiated allegations against political opponents in the Ghana media, especially on radio. These statements have been a source of concern for many people in the country. While the MFWA protests against the criminalization of speech by forces in Ghana, the organization is concerned that the widespread broadcasting of reckless and unsubstantiated allegations has a tendency to undermine freedom of expression. This attitude strengthens the hands of forces that oppose the rights to free expression.” **[43b]**

## FREEDOM OF ASSOCIATION AND ASSEMBLY

15.06 The USSD Report 2010 stated:

“The constitution and law provide for freedom of peaceful assembly, and, unlike in the previous year, the government generally respected this right. The government does not require permits for demonstrations, but police can deny use of a particular route. Unlike in the previous year, there were no reports that police denied demonstration permits to antigovernment groups...The constitution and law provide for freedom of association, and the government generally respected this right in practice. Security force members were prohibited from joining political assemblies or groups within the security services, but they were allowed to participate in political activities outside police or military compounds.” **[1a](section 2b)**

15.07 The Freedom House report, *Countries at the Crossroads 2010 – Ghana*, published 7 April 2010, observed:

“The right to protest is protected by the constitution. The Public Order Act stipulates that persons wishing to demonstrate must first inform the police, but the police cannot stop a demonstration without going to court for an injunction. This is rarely necessary, as protests are still rare and the police typically raise no objection or negotiate demonstration times with protest organizers. Political parties have attempted to circumvent the Public Order Act by giving innocuous labels, such as ‘fitness marches’, to campaign activities that are essentially demonstrations. The treatment of large, spontaneous political gatherings is not uniform. During the 2008 election campaign, presidential candidates attracted such assemblies as they arrived in or passed through towns, eliciting varied responses from the police.” **[21b] (Civil Liberties)**

15.08 The Freedom House report, *Freedom in the World 2011*, published May 2011, noted:

“The rights to peaceful assembly and association are constitutionally guaranteed, and permits are not required for meetings or demonstrations. Multiple demonstrations took place in 2010 over unpaid wages, including those led by university teachers, nurses and midwives, and prison officers. Additionally, citizens protested against increases in electricity and water tariffs in June. Civil society organizations have noted that NDC “foot soldiers”—activists that assist NDC campaigns by distributing literature and generating crowds, among other activities—have become increasingly disgruntled with the government and have reportedly harassed and attacked state officials, with few consequences. Nongovernmental organizations were generally able to operate freely.” **[21c]**

15.09 An International Freedom of Expression Exchange (IFEX) article of October 2011, ‘Police arrest two demonstrators’, reported:

“Two activists of the ruling National Democratic Congress (NDC) were arrested on October 5, 2011 by the Greater Accra Regional Command of the Ghana Police Service for allegedly breaching the country's laws by organizing a demonstration without police permission. The two activists, Hajia Sherifatu Sulley and Hajia Fati Alhassan, who led hundreds of NDC supporters on October 4 to demand the dismissal of Colonel Larry Gbevlo-Lartey, the national security coordinator, were granted a self-cognizance bail after their caution statements were taken. According to [one of the activists], their action was not a public demonstration but an internal action to petition the party leadership about the activities of Col Gbevlo-Lartey, which they said were not in the interest of the party in the Volta Region, a stronghold of the NDC. ‘We met the Regional police commander on Monday (October 3) to discuss our intended demonstration; she told us we could not go on the demonstration because we needed to serve notice five days before the demonstration. We agreed and informed our members outside Accra about the development,’ [one activist said]. However, they decided to peacefully transport their members in Accra to the NDC headquarters to petition the party leadership about their grievances. Meanwhile, the Greater Accra Regional Police Command has dismissed the activists' claim. According to [an] ASP, the Public Relations Officer [PRO], the action of the group amounted to breaching Section 491 of the Public Order Act. ‘The action of Hajia Sherifatu and her people does not fall under the category of 'special events' that does not require the permission of the police’, [the PRO] insisted in an interview.... Clampdowns on demonstrations are becoming common in Ghana. On September 21, 22 protestors were arrested and detained overnight at the headquarters of Ghana's intelligence agency, the Bureau of National Investigation (BNI), for allegedly participating in an illegal demonstration. They have since been charged with two counts of participating in an ‘illegal demonstration’ and ‘unlawful assembly’. The matter remains under investigation.” [43c]

## OPPOSITION GROUPS AND POLITICAL ACTIVISTS

15.10 Jane's observed in its Sentinel Country Risk Assessments - Ghana, Internal Affairs section, updated 26 January 2011, that:

“Although Ghana has numerous political parties, the National Democratic Congress (NDC) and the New Patriotic Party (NPP) remain dominant. Power shifted from the NDC to the NPP at the 2000 elections, with the NPP and its presidential candidate maintaining the ruling position in the 2004 polls. However, the NDC again secured a narrow lead in the 2008 polls, taking the presidency and gaining the most seats in parliament. The Convention People's Party (CPP), the People's National Convention (PNC), the Democratic Freedom Party (DFP), the Democratic Popular Party (DPP) and the Reformed Patriotic Democrats (RPD) also participated in the 2008 presidential election, but none of their respective candidates secured more than two per cent of the vote in the first round on 7 December that year.” [30c]

15.11 A 2011 Journal of Applied Business and Economics paper on ‘Financing Political Parties in Ghana’ noted that “In Ghana, anecdotal evidence suggests that inadequate funding is largely to blame for the poor performance of political parties, especially those in opposition. While ruling parties take advantage of the power of incumbency in the absence of laws or regulations that differentiate between the party and the state, the opposition parties suffer the consequent uneven political playing field.” [46]

See section on [political system](#)

## 16. FREEDOM OF SPEECH AND MEDIA

See sections on [Human Rights Institutions, Organisations and Activists](#) and [Freedom of Political Expression](#)

- 16.01 The US State Department Country Report on Human Rights Practices 2010, Ghana, released 8 April 2011, observed that “The constitution and law provide for freedom of speech and of the press; however, the government sometimes restricted those rights during the year. Journalists were arbitrarily arrested and detained during the year, and some practiced self-censorship. Individuals generally could criticize the government publicly or privately without reprisal; however, local authorities sometimes arrested or harassed its critics.” **[1a]**
- 16.02 The Amnesty International 2011 Annual Report, State of the World’s Human Rights, published 13 May 2011, noted that “Threats to freedom of expression grew. At least six people were arrested, detained or prosecuted for ‘causing fear and panic’.” **[4a]**
- 16.03 The Freedom House report, Freedom of the Press 2011, published 1 September 2011, stated:
- “Freedom of the press is legally guaranteed, and the government generally respects this right in practice. Ghana's criminal libel and sedition laws were repealed in 2001, but Section 208 of the 1960 Criminal Code, which bans ‘publishing false news with intent to cause fear or harm to the public or to disturb the public peace,’ remains on the books. In the past, former public officials and private citizens have brought a spate of civil libel cases seeking crippling amounts in damages from media outlets, encouraging self-censorship.” **[21d]**
- 16.04 The Freedom House report, Countries at the Crossroads 2010 – Ghana, published 7 April 2010, observed:
- “The state does not hinder access to the internet. State broadcasters have made some effort to be neutral and routinely provide for a representation of different viewpoints. However, the state television station tends to favour the ruling party. Inequity in coverage by state media is mitigated by the large number of independent private broadcasters ... Though the media are generally free, many newspapers and radio stations are openly partisan ... Despite this polarization, there are some outlets, such as the Joy FM radio station and the Public Agenda newspaper, that attempt to report more objectively.” **[21b] (Accountability and Public Voice)**
- 16.05 The Freedom House, Freedom of the Press report, published 1 September 2011, noted:
- “Dozens of newspapers, including two state-owned dailies, publish regularly, and there are 27 television stations in operation. Radio remains the most popular medium, with more than 150 FM radio stations in operation nationwide, 11 of which are state-run. The first community radio station, Radio Ada, was launched in 1999 and became a founding member of the Ghana Community Radio Network. Nine additional stations have started broadcasting, and several others have been awarded licenses by the National Communications Authority (NCA). Community radio stations have effectively informed citizens in marginalized communities throughout the country, contributing to stronger

public involvement in local politics. However, the NCA has been criticized for slow licensing procedures and bias. Journalists claim that there has been no response to broadcast license applications from as far back as 2000. Poor pay and unprofessional conduct, including the fabrication of highly sensationalist news stories, remain problems.” [21d]

- 16.06 On the subject of radio stations, an Inter Press Service News Agency report of 1 February 2012, ‘Radio Static for Ghana’s Community Station’, noted:

“Recently, community radio supporters rallied through the streets of Accra in what they called a ‘Voice Walk’, which Ghana’s National Communications Authority (NCA) described as irresponsible and unexpected... This past November, members of the Ghana Community Radio Network (GCRN) and the Coalition for Transparency of the Airwaves (COTA) demanded that government answer to the limited frequency allocation being given to community radio stations. Across the country, there are 11 community radio stations on air with 14 more waiting to receive their frequency. ‘It’s just a deliberate refusal to give people a voice,’ says Wilna Quarmyne, Deputy Executive Director of the GCRN and community radio pioneer in her native Philippines. She believes the NCA is subtly putting up barriers for community radio stations in Ghana and the implications of this are detrimental to the freedom of the press here in this West African nation.” [42b]

- 16.07 On the subject of treatment of journalists, an article of 16 January 2012 in the International Freedom of Expression Exchange (IFEX), ‘National security officials violently assault photojournalists’, stated:

“Armed operatives of the Bureau of National Investigation (BNI), Ghana’s intelligence agency, on 12 January 2012 violently assaulted Gifty Lawson, a photojournalist of the ‘Daily Guide’, a privately-owned newspaper on the premises of the Human Rights Court in Accra. Two of the newspaper’s security personnel, Michael Awampaga and Anthony Kwame Antwi, who were guarding her, suffered a similar fate. After their ordeal, Lawson and Awampaga were bundled into a vehicle and detained at the BNI headquarters. Lawson was released after an hour. Awampaga, however, is being held on a trumped up charge of “slapping” one of the BNI operatives. The ‘Daily Guide’ team had gone to the court to cover the story of bail being granted to a senior police officer, a prime suspect in a missing cocaine scandal that hit the country. The BNI had detained the police officer beyond the 48 hours that the constitution allows. Confirming the attack to Media Foundation for West Africa (MFWA), Lawson said the armed officers of the BNI violently attacked her and the two security guards after she took photographs of the accused person. She stated that one official pulled her by the trousers exposing parts of her body in the process and bundled her into their vehicle to the national headquarters of the BNI.” [43a]

- 16.08 The same IFEX article continued:

“On 11 January, Lawson and Richard Sky, another reporter of the Accra-based Citi FM were attacked by persons suspected to be relatives of the accused. Lawson, according to the privately-owned newspaper ‘The Enquirer’, was beaten up and her camera destroyed beyond repair. The attacks were in the presence of policemen who took no action to stop the attack. There has been widespread condemnation of the attack on the journalist. MFWA has called on the National Security Advisor and the Council of State to immediately bring to book officials of the BNI who violated the rights of these three

persons. ‘The MFWA fears there is a concerted attempt by some security operatives to obstruct journalists from performing their duties, especially in the coverage of suspected drug criminals. The violent attack on the ‘Daily Guide’ staff is one of many acts perpetrated by operatives of the BNI and the police officers that violate rights of journalists to do their legitimate work in recent years. Indeed, it should be noted that in the Fourth Republic, the BNI and the police have been the major and only source of attacks on the rights of journalists in Ghana,’ stated MFWA.” [43a]

- 16.09 The Internet World Stats website noted as at the end of December 2011 that Ghana had 2,085,501 internet users amounting to 8.4% of the country’s population. [44]
- 16.10 Ghana was ranked 41st out of 179 countries globally in the 2011-2012 World Press Freedom Index released by Paris-based media watchdog Reporters Without Borders on 25 January 2012. Ghana scored 11.00, dropping 14 places compared to the previous year’s 27th position. The index, which is the 10th annual press freedom index from the group, considered Ghana as one of “Africa’s traditional leaders in respect for journalists.” [45]

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## 17. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

See sections on [Freedom of Political Expression](#) and [Freedom of Speech and Media](#)

- 17.01 The US State Department 2010 Country Report on Human Rights Practices, Ghana, released 8 April 2011, observed:
- “A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.
- “The CHRAJ [Commission for Human Rights and Justice], which mediated and settled cases brought by individuals against government agencies and private companies, operated with no overt interference from the government; however, some critics questioned its ability to investigate high-level corruption independently. Its biggest obstacle was a lack of adequate resources, which resulted in low salaries, poor working conditions, and the loss of many of its staff to other government and nongovernmental agencies. However, public confidence in the CHRAJ was high, resulting in an increased workload for its staff, whose salaries were often delayed due to a chronic lack of resources and administrative issues.” [1a]
- 17.02 The Freedom House report, Countries at the Crossroads 2010 – Ghana, published 7 April 2010, noted:
- “NGOs in Ghana are largely free from state pressures and play a major role in highlighting and providing technical support on gender, disability, and other social, governance, and economic issues. Some NGOs have become such fixtures that the government relies on their services to fulfil its mandates. For example, the police’s Domestic Violence and Victim Support Unit (DOVVSU) relies on the Women’s Initiative for Self-Empowerment (WISE) to provide psychiatric counselling, the International Federation of Women Lawyers (FIDA) to provide legal advice, and various other NGOs to provide victims with shelter and medical attention. NGOs have also helped to draft

44 The main text of this COI Report contains the most up to date publicly available information as at 20 April 2012. Further brief information on recent events and reports has been provided in the Latest News section to 10 May 2012.

key pieces of legislation, such as the Whistleblower's Act.” **[21b](Accountability and Public Voice)**

- 17.03 The Freedom House report, *Countries at the Crossroads 2010 – Ghana*, published 7 April 2010, noted:

“The High Court has original jurisdiction in human rights matters, but the CHRAJ is the primary organ for redress of human rights violations in Ghana. The commission, whose leaders are appointed by the president, is authorized by Article 218 of the constitution to investigate complaints but not to prosecute offenders. Instead, it refers cases to the Attorney General's Department for prosecution, and because the attorney general is part of the executive branch and typically a leading member of the ruling party, there is a risk of conflict when the CHRAJ looks into abuses linked to the executive...

“It is generally agreed that the CHRAJ has vigorously investigated corruption and human rights abuses, but there is also universal acknowledgment that the commission's work is hampered by sometimes serious financial and logistical constraints. Its multiple mandates—anticorruption, human rights protection, and administrative justice—tend to overstretch its limited capacity. In addition, there is some doubt about the commission's legal authority to launch investigations on its own initiative...Despite these constraints; the CHRAJ has acquired a reputation for investigative independence, especially in comparison with other anticorruption agencies such as the Serious Fraud Office and the police's Criminal Investigation Department. The commission has brought actions that have led to the reinstatement of workers in both the public and the private sectors, investigated the president on conflict of interest charges in connection the multimillion-dollar hotel acquired by his son, and published groundbreaking reports on the human rights abuses in the mining sector.” **[6b] (Civil Liberties)**

- 17.04 The United Nations Office of the Special Adviser on Africa published a directory of NGOs operating in Ghana <http://www.un.org/africa/osaa/ngodirectory/index.htm> . **[47]**

See [section 7.3 Human rights – introduction](#), for information about UN human rights treaties.

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## 18. CORRUPTION

- 18.01 The U4 Anti-Corruption Resource Centre in its undated, *Overview of corruption and anti-corruption in Ghana*, accessed 21 March 2012, noted:

“Major governance indicators show that Ghana has achieved significant progress over the last few years in terms of government effectiveness, transparency of the regulatory framework and control of corruption. However, although it not perceived as extensive as in most other African countries, corruption remains a significant problem in the country. Petty corruption is persistent and there is evidence of forms of political corruption including looting of state assets. Sectors most affected by corruption include the police, political parties, and public financial management - in particular with regard to public procurement, tax and customs administration. With the recent discovery of offshore oil fields, the country's past record in managing its mineral wealth has raised concerns

over its ability to manage oil revenues in a transparent manner and avoid a 'resource curse'. The government has a strong anti-corruption legal framework in place, but faces challenges of enforcement." [35]

18.02 The US State Department Report on Human Rights Practices, 2010, released 8 April 2011, noted:

"Corruption was present in all branches of government. The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and some officials frequently engaged in corrupt practices. Police set up barriers to extort money from motorists, and judicial officials accepted bribes to expedite or postpone cases or to 'lose' records. The World Bank's most recent Worldwide Governance Indicators (2008) reflected that corruption was a problem.

"On September 7, the Serious Fraud Office was replaced by the Economic and Organized Crime Office (EOCO), which was granted expanded powers to investigate and prosecute corruption in economic crimes such as money laundering, human trafficking, and cyber crime. The EOCO hired new employees during the year, the majority of which were slated to be investigators.

"The CHRAJ investigates human rights abuses, public corruption, and abuse of power and is empowered to recommend punitive actions against proven violators. The attorney general, the minister of justice, the EOCO, and the Public Prosecutor's Office are responsible for combating corruption. Parliament's Public Accounts Committee is also responsible for auditing government spending. An auditor general reviews public-sector accounts. ... In hearings in May and August, the Public Accounts Committee uncovered numerous cases of embezzlement and misuse of funds by government ministries, departments, agencies, and district assemblies. The committee ruled that failure to refund funds or to reconcile accounts would result in prosecution. The committee forwarded all cases to the attorney general; however, no prosecutions had been reported at year's end.

"In January an undercover reporter filmed members of the Customs, Excise and Preventive Service and the Ghana Immigration Service allegedly extorting money and harassing travelers at the Ghana-Togo border crossing in Aflao, Volta Region. The officers were removed from the post, and an investigation continued at year's end. ... Security force members were arrested for corruption during the year." [1a](section 4)

18.03 The same USSD report continued:

"In March, in Accra, three soldiers and two policemen were arrested for extorting two men they had falsely accused of drug charges. Also in March, in Accra, a policeman and a former policeman were charged with extorting money from a man they framed on drug charges. ... On March 19 in Accra four policemen were accused of attacking and robbing a foreign national of more than 7,207 cedis (\$5,000). Two officers were arrested and in December were each sentenced to 10 years' imprisonment. Two officers remained at large in connection with the case. ... In May three police officers in the Greater Accra Region were arrested for stealing 500,000 CFA francs (\$970) from a deceased accident victim. The police officers were indicted, and an investigation continued at year's end.

“Officials were subject to a financial-disclosure process, but their responses were not available for public review. ... In July 2009 a presidential commission was established to investigate allegations of corruption and financial mismanagement by the former government's Ghana@50 Secretariat. The attorney general subsequently charged Kwadwo Mpiani, chairman of the National Planning Committee, and Charles Wereko-Brobby, CEO of the Ghana@50 Secretariat, with four counts of willfully causing financial loss to the state. On May 24, the defendants filed pretrial motions to dismiss the case for lack of jurisdiction, pending appeal of the commission's adverse findings. The High Court agreed and dismissed the case for lack of jurisdiction.

“The constitution provides for public access to government information; however, obtaining such access was difficult in practice.” **[1a](section 4)**

18.04 The Freedom House report, *Countries at the Crossroads 2010 – Ghana*, published 7 April 2010, noted:

“Anticorruption enforcement efforts are conducted primarily by the Serious Fraud Office (SFO) and the CHRAJ. Both organizations face challenges in the performance of their functions. CHRAJ, as noted above, cannot prosecute offenders and must refer investigations to the attorney general for prosecution. In addition, it is poorly funded and has to contend with a high rate of staff attrition. The work of the SFO, established by statute to fight corruption and prevent ‘serious financial or economic loss to the state,’ is hampered by structural and logistical constraints. It may also be subjected to political pressure, as its director and much of its board are appointed by the executive and report to the attorney general. A similar situation can be found, to varying degrees, at the Internal Audit Agency, which is charged with auditing ministries, departments, and agencies as well as local government bodies; the Public Procurement Authority (PPA), entrusted with ensuring transparency and competition in the awarding of government contracts; and the CHRAJ. The boards and executives of all these entities are essentially appointed by executive. The practice of creating such watchdog agencies and then giving the executive unfettered discretion to appoint their leaders and control their funding has been criticized by civil society as perverse and self-defeating.” **[21b] (Anti-corruption and transparency)**

18.05 The same Freedom House report continued:

“Politicization is often alleged in the corruption prosecutions that do occur. During the Kufuor administration, former officials from the NDC were prosecuted, while corruption scandals that implicated Kufuor administration officials generally led to resignations rather than prosecutions. Thus far, no member of former president Kufuor's government has been prosecuted under the Atta Mills administration.

“While the constitution created the position of an ‘independent’ auditor general, the office nevertheless became a political tool during the recent transition when the auditor complied with a government directive to investigate certain activities of the outgoing NPP government.

“Victims of corruption can pursue their rights by submitting complaints to the CHRAJ, the SFO, and the police, though the quality of the investigations varies widely. The police have established an internal anticorruption unit called the Police Intelligence and Professional Standards Bureau (PIPS). In addition, a Whistleblowers Act was recently passed, but it has some significant operational limitations.

"[...] Stories of corruption are widely discussed in Ghana's news media... There is a significant amount of investigative reporting by the media, but it is rarely thorough, and in some cases it is abused for partisan political purposes." **[21b] (Anti-corruption and transparency)**

- 18.06 More recently a Sahara Reporters, Africa News Brief of 8 February 2012, 'Ghana Struggles With Major Corruption In Ruling Party', noted:

"Ghana's President John Atta Mills is reckoning with a high profile corruption case that has blown up in an election year. Mr Mills had to approve the arrest of ruling party financier Alfred Agbesi Woyome following his indictment for fraud by the West African country's Economic and Organized Crime Office. Two Cabinet ministers have already resigned over the incident. Mr Woyome was indicted after an Auditor-General's report revealed that he had put in false claims to defraud the state and had been paid \$30.2 million in judgments he did not deserve. At a recent press conference, President Mills admitted his appointees who facilitated the astronomical payment to Mr. Woyome, were 'criminally minded and irresponsible'. 'I have been vice-president and I have been president ... I know it is criminal, irresponsible, the height of naivety, for a president to call his minister of finance and say, pay this man this. When I know the plight of our people, when I know our people are crying for water, basic necessities of life, how can I be so criminally minded, so irresponsible and give over \$30 million to one person'?... Mills and his party were accused of 'kleptocracy' by enabling Woyome to sue the state and collect damages. Columnist Baffour Ennin wrote: '...How on earth can Alfred Woyome sue the government of Ghana for breach of contract and be awarded \$51M when he admitted that he has never signed any contract with the government of Ghana?' Among those dismissed in the current scandal are Attorney-General Martin Amidu for 'misconduct', and his predecessor, Education Minister Betty Mould-Idrissu." **[36]**

- 18.07 Transparency International's Corruption Perception Index (CPI) 2009 ranks Ghana 69<sup>th</sup> out of 180 countries with a score of 3.9. (The Corruption Perceptions Index ranks countries/territories based on how corrupt their public sector is perceived to be. A country/territory's score indicates the perceived level of public sector corruption on a scale of 0 - 10, where 0 means that a country is perceived as highly corrupt and 10 means that a country is perceived as very clean). **[37]**

See section on [Corruption in the Police](#)

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## 19. FREEDOM OF RELIGION

### Overview

- 19.01 The US State Department (USSD) July-December 2010 International Religious Freedom Report, published 11 September 2011, noted that "The constitution and other laws and policies protect religious freedom and, in practice, the government generally enforced these protections. The government generally respected religious freedom in law and in practice. There was no change in the status of respect for religious freedom

by the government during the reporting period. There were some reports of societal abuses or discrimination based on religious affiliation, belief, or practice.” **[1c]**

- 19.02 The same USSD report added: “The government often took steps to promote interfaith understanding. At government meetings and receptions, Christian and Muslim prayers were recited; occasionally there were indigenous invocations. Throughout the reporting period, the president and vice president made public remarks regarding the importance of peaceful religious coexistence. In March, President Mills declared a National Prayer and Thanksgiving Day for Muslims, Christians, and traditional believers.” **[1c]**
- 19.03 The Freedom House Freedom in the World 2011 Report, published 2011, observed that “Religious freedom is protected by law and largely respected in practice. While relations between Ghana’s Christian majority and Muslim minority are generally peaceful, Muslims often report feeling politically and socially excluded, and there are few Muslims at the top levels of government. Both domestic and international human rights observers have reported a high incidence of exorcism-related physical abuse at Pentecostal prayer camps.” **[21c]**
- 19.04 The Association of Religious Data Archives (ARDA) produced an undated country profile focusing on freedom of religion statistics wherein such subjects as government regulation of religion, social regulation of religion, government favoritism of religion and religious persecution were assessed and scored. The results indicated that there were little regulation or favoritism exercised and limited religious persecution:
- The Government Regulation of Religion Index score was assessed at 0.7 (scores were given from 0 to 10 where the lower score is less regulation). This index score was calculated on the basis of such questions as: Does the Government interfere with an individual’s right to worship? Is freedom of religion protected? Does government generally respect the right of freedom of religion? Does government policy contribute to the free practice of religion? Are foreign and other missionaries allowed to operate? Is proselytising, public preaching, or conversion limited or restricted?
  - The Social Regulation of Religion Index score was assessed at 1.4 (scores were given from 0 to 10 where the lower score is less regulation). This index score was calculated on the basis of such questions as: Societal attitudes towards other or nontraditional religions. Do attitudes and/or clerical edicts discourage proselytising? Do established or existing religions try to shut out new religions in any way? Are citizens intolerant of ‘nontraditional’ faiths, i.e. those perceived as new religions? Citizens’ receptivity to proselytising by ‘nontraditional’ faiths or faiths other than their own.
  - The Government Favoritism of Religion Index score was assessed as 3.4 (scores were given from 0 to 10 where the lower score is less favouritism). This index score was calculated on the basis of such questions as: What is the balance of government funding (including in kind such as funding buildings) to the religious sector? To what extent is there a favoured (or established) religious brand? How does the Government subsidise religion? Does the government fund some things related to religion? Does the government fund religious education? Does the government fund religious buildings? Does the government fund clergy salary or benefits? Does the government fund religious print or broadcast media? Does

the government fund religious charity or public service work? Does the government fund religious practice or mission work?

- The Religious Persecution Index score was assessed at 5 (scores were given from 0 to 10 where the lower score is less persecution). The index score was calculated on the basis of the number of people physically abused or displaced due to their religion. **[24]**

## Religious demography

See section on [Geography](#) for additional breakdown of religious demography

19.05 The USSD July-December 2010 International Religious Freedom Report stated:

“According to the 2000 government census, approximately 69 percent of the population is Christian, 16 percent is Muslim, 8 percent adheres to indigenous religious beliefs, and 7 percent is classified as belonging to other religious groups, which includes those who profess no religious beliefs. Some members of the Muslim community disputed these figures, asserting that the Muslim population is substantially larger. Many persons who are nominally Christian or Muslim also practiced some aspects of indigenous beliefs.

“Christian groups include Roman Catholic, Methodist, Anglican, Mennonite, Evangelical Presbyterian, African Methodist Episcopal Zionist, Christian Methodist, Evangelical Lutheran, F'eden, The Church of Jesus Christ of Latter-day Saints (Mormon), Seventh-day Adventist, Pentecostal, Baptist, African independent churches, the Society of Friends (Quakers), and numerous charismatic religious groups.

“Several Islamic traditions are present in the country: Orthodox Sunni, Ahmadi, the Tijani and Qadiriyya orders of Sufi, and a small number of Shia.” **[1c]**

19.06 The same USSD report continued:

“Indigenous religious groups include the Afrikania Mission. Other religious groups include the Bahai, Buddhist, Jewish, Hindu, Shintoist, Ninchiren Shoshu, Soka Gakkai, Sri Sathya Sai Baba Sera, Sat Sang, Eckankar, the Divine Light Mission, Hare Krishna, and Rastafarian. There are also some syncretistic groups that combine elements of Christianity and Islam with traditional beliefs. Zetahil, a practice unique to the country, combines elements of Christianity and Islam.

“There is not a significant link between ethnicity and religion; however, geography is often associated with religious identity. The majority of the Muslim population resided in northern areas as well as in the urban centers of Accra, Kumasi, Sekondi-Takoradi, Tamale, and Wa, while the majority of the followers of indigenous religious beliefs resided in rural areas. Christians lived throughout the country.” **[1c]**

## Treatment of religious minorities

19.07 The USSD report noted:

“Traditional village authorities and families continued to banish rural women, often older women and widows, for the alleged practice of witchcraft. Fellow villagers identified these women as the cause of difficulties such as illness, crop failure, and financial misfortune. Many of these banished women were sent to live in ‘witch camps,’ villages

in the Northern, Upper East, and Upper West regions that were populated by suspected witches. The women did not face formal legal sanctions if they returned home; however, most feared they would be beaten or killed if they returned to their villages or attempted to pursue legal action to challenge the charges against them. During 2010, the government agency Commission on Human Rights and Administrative Justice (CHRAJ) monitored three camps in the Northern Region for persons suspected of witchcraft.

“Public discussion continued over religious worship versus indigenous practices and respect for the rights and customs of others in a diverse society. Some religious leaders actively advocated tolerance toward other religious groups and discouraged religiously motivated violence, discrimination, and harassment; others, particularly laypersons associated with evangelical groups, continued to preach intolerance for other groups such as Muslims and indigenous religious groups.

“Some Muslims expressed a sense of political and social exclusion, citing token representation of Muslims in national leadership positions, the preponderance of Christian prayers in public settings, and the ubiquity of Christian slogans as examples. However, the Mills administration appointed several Muslim ministers, and all the major political parties campaigned actively in Muslim communities during the 2008 electoral season.” [1c]

- 19.08 A Ghana Business News article of 17 February 2012, ‘Association detests violation of religious freedom of Muslim students’, stated:

“Authorities of some second cycle institutions in the country have been accused of compelling Muslim students to attend church services, denying the victims of their rights to freedom of association and religion. The National Executives of Ghana Muslim Students’ Association (GMSA), which made the allegation, said the action was affecting the academic performance of the students. Mr Rabiou Mohammed, National President of GMSA, at a press conference in Accra, called on the Government to collaborate with the Ministry of Education to stop the infringement on the rights of the students.

“Mr Mohammed said though the schools concerned were built by Christian Missionaries, and church services formed part of school gathering to mould the character of students in accordance with the doctrine of Christianity, and a platform for making announcements, it violated Muslim students’ freedom to worship. He asked the Ghana Education Service (GES) to ‘clearly and unambiguously indicate the differences between school gatherings and church service’ and to ensure that the Church’s acclaimed code of conduct and that of the schools does not contradict the 1992 Constitution. Mr Mohammed said: ‘We are urging government to promote dialogue between leaders of the major religious bodies and other stakeholders in education to find a peaceful solution to the problem.’” [23]

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## 20. ETHNIC GROUPS

- 20.01 The Central Intelligence Agency World Factbook, in its section on People and Society of Ghana, last updated 21 February 2012, listed the ethnic groups within the country as “Akan 45.3%, Mole-Dagbon 15.2%, Ewe 11.7%, Ga-Dangme 7.3%, Guan 4%, Gurma

3.6%, Grusi 2.6%, Mande-Busanga 1%, other tribes 1.4%, other 7.8% (2000 census).”  
[3]

20.02 The US State Department (USSD) ‘Background Note on Ghana’, last updated 21 December 2011, observed that “Ethnically, Ghana is divided into small groups speaking more than 50 languages and dialects. Among the more important linguistic groups are the Akans, which include the Fantis along the coast and the Ashantis in the forest region north of the coast; the Guans, on the plains of the Volta River; the Ga- and Ewe-speaking peoples of the south and southeast; and the Moshi-Dagomba-speaking tribes of the northern and upper regions.” [1b]

20.03 An undated webpage accessed from GhanaWeb, entitled ‘Ethnic Groups’, , (accessed 9 March 2012), provided the following background and overview:

“Ethnic rivalries of the precolonial era, variance in the impact of colonialism upon different regions of the country, and the uneven distribution of social and economic amenities in postindependence [sic] Ghana have all contributed to present-day ethnic tensions. For example, in February 1994, more than 1,000 persons were killed and 150,000 others displaced in the northeastern part of Ghana in fighting between Konkomba on one side and Nanumba, Dagomba, and Gonja on the other. The clashes resulted from longstanding grievances over land ownership and the prerogatives of chiefs. A military task force restored order, but a state of emergency in the region remained in force until mid-August.

“Although this violence was certainly evidence of ethnic tension in the country, most observers agreed that the case in point was exceptional. As one prolific writer on modern Ghana, Naomi Chazan, has aptly observed, undifferentiated recourse to ethnic categories has obscured the essential fluidity that lies at the core of shared ties in the country. Evidence of this fluidity lies in the heterogeneous nature of all administrative regions, in rural-urban migration that results in interethnic mixing, in the shared concerns of professionals and trade unionists that cut across ethnic lines, and in the multi-ethnic composition of secondary school and university classes. Ethnicity, nonetheless, continues to be one of the most potent factors affecting political behavior in Ghana. For this reason, ethnically based political parties are unconstitutional under the present Fourth Republic.” [8c]

20.04 The same GhanaWeb document added:

“Despite the cultural differences among Ghana's various peoples, linguists have placed Ghanaian languages in one or the other of only two major linguistic subfamilies of the Niger-Congo language family, one of the large language groups in Africa. These are the Kwa and Gur groups, found to the south and north of the Volta River, respectively. The Kwa group, which comprises about 75 percent of the country's population, includes the Akan, Ga-Adangbe, and Ewe. The Akan are further divided into the Asante, Fante, Akwapim, Akyem, Akwamu, Ahanta, Bono, Nzema, Kwahu, and Safwi. The Ga-Adangbe people and language group include the Ga, Adangbe, Ada, and Krobo or Kloli. Even the Ewe, who constitute a single linguistic group, are divided into the Nkonya, Tafi, Logba, Sontrokofi, Lolobi, and Likpe. North of the Volta River are the three subdivisions of the Gur-speaking people. These are the Gurma, Grusi, and Mole-Dagbane. Like the Kwa subfamilies, further divisions exist within the principal Gur groups.

“...No part of Ghana, however, is ethnically homogeneous. Urban centers are the most ethnically mixed because of migration to towns and cities by those in search of employment. Rural areas, with the exception of cocoa-producing areas that have attracted migrant labor, tend to reflect more traditional population distributions. One overriding feature of the country's ethnic population is that groups to the south who are closer to the Atlantic coast have long been influenced by the money economy, Western education, and Christianity, whereas Gur-speakers to the north, who have been less exposed to those influences, have come under Islamic influence. These influences were not pervasive in the respective regions, however, nor were they wholly restricted to them.” **[8c]**

- 20.05 The Freedom House Freedom in the World Report 2011, published 12 May 2011, noted that “Communal and ethnic violence occasionally flares in Ghana. In March 2010, tensions rose in the Brong Ahafo region between the Tuobodom and Techiman groups, resulting in three deaths. Some argued that the regional police failed to prevent the escalation of violence...” **[21c]**

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## 21. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

### LEGAL RIGHTS

- 21.01 The US Department of State, Report on Human Rights Practices, 2010 (USSD 2010 Report), released 8 April 2011, noted that “[t]he law makes consenting homosexual acts a misdemeanour ...” **[1a](section6)**, whilst a paper by Mark Luckie, University of California, Berkeley School of Journalism, entitled ‘Ghana: Somewhere over the rainbow’ noted that “... while the criminal code does not explicitly say that homosexuality is illegal, many gay men and women have been arrested and imprisoned under the interpretation that homosexuality is ‘unnatural’.” **[14]**
- 21.02 A TalkAfrique article of 25 July 2011, ‘The Gay and Lesbian Debate: A Credit to Ghana’s Democracy’, commented on the legal debate concerning same sex partnerships as follows:
- “The multifaceted nature of the issues has drawn comments and contributions from all and sundry including the clergy and the legal fraternity. The religious perspective has called for outright condemnation due to the Biblical position on sodomy and same sex partnership. The legal angle however appears to be admonishing caution as well as the constitutionality of illegalizing or criminalizing the gay and lesbian lifestyle. Even though existing codes in the country’s criminal legal system identifies unnatural sexual practices as acts of misdemeanor the constitution which is the supreme law of the land remains silent on the matter. Needless to say that, the constitutional debate will continue until a clearly defined legal position is adopted to guide the society’s treatment of gays and lesbians.” **[16]**
- 21.03 GhanaWeb, in an article called, ‘Laws do not prohibit homosexuality – law lecturer’, dated 14 May 2010, stated:
- “A Law Lecturer at the Kwame Nkrumah University of Science and Technology (KNUST) Ernest Kofi Abochie has stated categorically that the criminal code of the 1992 constitution does not clearly interpret what homosexuality means. This he believes

makes it almost impossible for the act of homosexuality to be considered criminal... [and] said it would be difficult to interpret what homosexuality means in the Criminal Code Amendment Act of the 1992 constitution, since the expression is not mentioned.

“The debate on homosexuality has been renewed following a call by a Health Professional [Dr. Roland Sowah] for a national debate on the subject since it is gaining roots in the country.” [8d]

21.04 However, a subsequent GhanaWeb article of 7 June 2011, ‘Gays can be prosecuted’, noted:

“The director of public prosecutions, Ms. Gertrude Aikins, has indicated that persons caught engaging in homosexual activities could be liable for prosecution. ... Responding to calls for the country to enact laws to ban homosexuality in an interview in Accra, she stated the section 104 (1) (b) of the Criminal Code made the act a criminal offence... Ms. Aikins said persons engaged in homosexuality fell foul of the law, but admitted that compared to sodomy, homosexuality carried a less severe sentence as far as the criminal code is concerned. ... Ghanaian laws prohibit unnatural carnal acts - a definition which is widely understood to include homosexuality, although, in practice, very few have been prosecuted for homosexual acts.” [8e]

21.05 A further GhanaWeb article of 4 November 2011, ‘Nana Oye Lithur: Gays Have Rights & Must Be Respected’, observed that “A Human Rights lawyer, Nana Oye Lithur, has stated that President Mills’ denouncement of gayism does not set aside the guaranteed constitutional rights of all persons including homosexuals in Ghana. She said irrespective of the President’s abhorrence of homosexuality and Ghana’s cultural and social stigma against it, gays do not infringe on any legal or constitutional provisions while exercising their sexual preference. She said Ghana’s laws and Criminal Code are silent on homosexuality.” [8f]

## Gay and bisexual men

21.06 The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) report, *State-sponsored Homophobia: A world survey of laws prohibiting same sex activity between consenting adults*, dated May 2011, stated that same-sex activity between men was illegal. The report also quoted the relevant laws that criminalise same-sex sex between men:

“Criminal Code, 1960 (Act 29), as amended to 2003 133

“Section 104—Unnatural Carnal Knowledge.

“(1) Whoever has unnatural carnal knowledge—

“(a) of any person of the age of sixteen years or over without his consent shall be guilty of a first degree felony and shall be liable on conviction to imprisonment for a term of not less than five years and not more than twenty-five years; or

“(b) of any person of sixteen years or over with his consent is guilty of a misdemeanour; or

“(c) of any animal is guilty of a misdemeanour.

“(2) Unnatural carnal knowledge is sexual intercourse with a person in an unnatural manner or with an animal.” [15a]

### Lesbian and bisexual women

21.07 A section on the Law in Ghana on the ILGA website (accessed 12 March 2012) stated that same sex activity between women was legal. [15b] Similarly, a GhanaWeb article of 7 June 2011, ‘Gays can be prosecuted’, noted that “the law is, however, silent on any form of punishment for lesbianism.” [8e]

### Transgender persons

21.08 No information could be found on transgender persons. (Sources consulted: International Gay and Lesbian Human Rights Commission (IGLHRC); International Lesbian, Gay, Bisexual, Trans and Intersex Association ILGA); Coalition Against Homophobia in Ghana; Behind the Mask; GlobalGayz and African Activist.)

### TREATMENT BY, AND ATTITUDE OF, STATE AUTHORITIES

21.09 The USSD 2010 Report, published 8 April 2011 noted that Lesbian, Gay, Bisexual and Transgender persons faced “police harassment and extortion attempts.” [1a](Section 6) The International Lesbian and Gay Human Rights Commission (ILGHRC) report of February 2011, ‘Nowhere to Turn: Blackmail and Extortion of People in Sub-Saharan Africa’, in a chapter on Ghana, noted:

“Homosexuals in Ghana lead a precarious existence. Section 104 of the Criminal Code criminalizes ‘unnatural carnal knowledge’ between consenting adults, punishing it as a misdemeanor. The existence and enforcement of the law create an environment of impunity in which the rights of men who have sex with men (MSM) and women who have sex with women (WSW) are widely and routinely violated. In this environment, homosexuals are regularly subject to harassment, gay bashing, physical violence, and extortion. Often, these crimes occur at the hands of, or with the collusion of, the police or other agents of the state.” [19]

21.10 An IRIN (Integrated Regional Information Networks) PlusNews article of 1 August 2011, ‘Understanding the Drivers of Homophobia in Ghana’, noted:

“Recent condemnation of homosexuality by religious and political leaders in Ghana has led to a climate of fear preventing men who have sex with men (MSM) from accessing vital health services, say local NGOs. The minister of Ghana’s Western Region, Paul Evans Aidoo, publicly described homosexuality as ‘detestable and abominable’ after media reports in late May that 8,000 homosexuals had registered with health NGOs in the country’s west (the information appears to come from records kept by the NGOs of people who accessed services for MSM). Aidoo has since called for increased security in the region and the arrest of all homosexuals. Other religious leaders and politicians have followed suit, condemning homosexual activity.” [17]

21.11 An article in the Independent (UK) of 22 July 2011, ‘Ghana official calls for effort to ‘round up’ suspected gays’, observed:

“In a new burst of African homophobia, a government minister in Ghana has drawn support after calling on the country’s intelligence services to track down and arrest all

gays and lesbians. The call from Paul Evans Aidoo, the minister for the Western Region of Ghana, marks the latest in a series of expressions of officially condoned homophobia across the continent, which has previously been seen in Malawi, Uganda and South Africa.

“Joy FM, a popular radio station in the capital Accra, reported earlier this week that Mr Aidoo, a Catholic, said: ‘All efforts are being made to get rid of these people in society.’ He called for the Bureau of National Investigations to round up gays and called on landlords and tenants to inform on people they suspect of being homosexual. ‘Once they have been arrested, they will be brought before the law,’ he is reported to have said.” **[18]**

21.12 The same article in the Independent added:

“The comments from the National Democratic Congress politician come in the feverish run-up to the 2012 elections in the West African country. There has been controversy over the meaning of a clause in the criminal code of Ghana's 1992 constitution which condemns ‘unnatural carnal knowledge’. The constitution guarantees human rights ‘regardless of race, place of origin, political opinion, colour, religion, creed or gender’, but does not mention sexuality.

“The move by Mr Aidoo has drawn support from other politicians, including the general secretary of the People's National Convention (PNC) who told Radio Gold on Tuesday: ‘Homosexuality is abhorrent. Media discourse across the world is being dictated by the vulgar opinions of homosexuals. Ghana and probably Africa cannot sustain the menace of homosexuals.’” **[18]**

## **SOCIETAL TREATMENT AND ATTITUDES**

21.13 The USSD 2010 Report, published 8 April 2011, noted that:

“... strong sociocultural beliefs discriminated against and stigmatized same-gender sex. There were no registered Lesbian, Gay, Bisexual, and Transgender (LGBT) organizations. LGBT persons faced widespread discrimination [for example] ... On June 4, more than one thousand protesters in Takoradi, Western Region, participated in a peaceful rally against reports of gay and lesbian activities in their city. This was reportedly the first antigay protest in the country. [However] ... On December 22, the acting head of the CHRAJ spoke against discrimination during a radio interview on Accra-based CITI FM. She stressed that gays and lesbians should not be condemned based on societal attitudes and that the constitution provides for freedom from discrimination.” **[1a](Section 6)**

21.14 A GhanaWeb article of 6 January 2011, ‘Homosexuality in Ghana: A Growth in Numbers’, noted that “... there is a lot of prejudice against homosexuals in Ghana...The laws of Ghana do not accept homosexuality. These laws have generated general dislike among the citizens concerning homosexuals who are considered repugnant in the society. They are discriminated against. As a result of this, there are many gays in Ghana who are caught in a feeling of loneliness, shame and desperation.” **[8g]**

21.15 A Behind the Mask report of 31 August 2011, ‘West Africa LGBTI Rights Activists Report Country Situations’, recorded that:

“...[in Ghana] under the constitution, sexual rights are not specifically protected. In this context, attacks and death threats are typical, especially against homosexual males. The media has written sensational articles that are flawed with inaccuracies on the influence, size, nature and desires of homosexual individuals. Black mail, violence, hate crimes, sensationalist and homophobic articles on homosexuality occur virtually every day. People have refused to attend outreach programs for fear of being tagged a homosexual. In the past, staff [of the Coalition Against Homophobia in Ghana [CAHG]] have been subjected to assaults on their way to the office or while doing fieldwork and outreach programs. On one occasion, a car intentionally hit a member of staff and another was harassed by a group of men while walking on the road. These incidents happened because of their sexual orientation.” **[20b]**

- 21.16 A report in Behind the Mask of 24 August 2011, ‘Ghana’s Anti-Gay Lobby Lays Out Its Campaign Strategy’, stated:

“The Ghanaian anti-gay lobbyist, Prince Osei Tutu has said in an interview with Behind the Mask that his mission is not to persecute homosexuals but to establish laws that prohibit gay sex. Price (sic) Osei Tutu, who heads the controversial International Movement Against Same-Sex (IMASS), claimed in an interview that his group’s mission ‘Is never to preach hate but to educate people (both homosexuals and non-homosexuals) about the deadly consequences of the [same sex] act.’ He said, ‘IMASS does not call for persecution of homosexuals, but we call for laws to prohibit it (gay sex).’ Speaking to Behind the Mask’s Nigerian correspondent, Osei Tutu said, ‘It is no secret that homosexuality has dangerous implications not only on practitioners but society at large.’ The uncompromising group, which has recently been in the news conducting a campaign against Ghana’s LGBTI community claims to have been founded in 2007 ‘to campaign against homosexuality in Ghana and beyond.’” **[20b]**

- 21.17 The same Behind the Mask report continued:

“Osei Tutu said, ‘IMASS uses the platform of electronic and print media to carry its education. Members of the association constitute; journalists, medical doctors, lawyers, clergy, teachers and people from all spheres of life. We visit schools, churches, mosques and public places to hold public lectures.’ Responding to questions about why the homophobic association was formed and what success, if any, it has achieved since its establishment, the IMASS boss claimed divine inspiration saying, ‘The idea is divine. The founders are young people who see the act [of homosexuality] as sinful, evil and criminal. As indicated earlier the organisation was founded in 2007, but we started full operations this year.’ The group’s basic argument against homosexuality is the often heard one from anti-gay types all over the world and is based on quotes from the Bible and the Koran. IMASS argues that gay sex is not only a legal matter but a spiritual, moral, psychological, medical, socio-economic and socio-political issue. They say gay sex also affects traditions and customs. Speaking of pro LGBTI lobbyists Osei Tutu said, ‘The limiting of the argument to [one about] rights is hypocritical. They must extend it to cover all facets of life and that would defeat their stance.’” **[20a]**

- 21.18 A news story of 10 August 2011 contained in the GlobalGayz digest of news, ‘Ghana church to set up centers for gay ‘cures’’, noted:

“The Presbyterian Church of Ghana is establishing therapy centers designed to ‘rehabilitate’ and ‘cure’ gays and lesbians. Right Reverend Professor Emmanuel Martey, who heads the denomination, told the Ghana News Agency that ‘homosexuality was

spreading fast in the society' and needed to be checked. Though gays and lesbians would face challenges, he said, they would be 'cured' if they prayed regularly. Last month, a minister in Ghana's Western Region ordered the immediate arrest of all gays and asked people to report on their neighbors. 'All efforts are being made to get rid of these people in the society,' the minister said." [22]

- 21.19 An earlier report in an article of 4 June 2010 in GhanaWeb, 'Thousands Attend First Anti-Gay Protests in Ghana', observed:

"Thousands of angry youth in the Sekondi Takoradi Metropolis have staged a massive demonstration against recent reports of gay and lesbian parties in the oil city. The demonstration on Friday June 4, is the first ever anti-gay protests in Ghana. The over a thousand protesters defied a downpour to register their displeasure as they went through the principal streets of the metropolis wielding placards. The demonstration was organised by the Muslim community in Takoradi with support from other religious groups and concerned citizens. It follows recent reports of alleged gay marriages and parties in Tanokrom and other suburbs of the city. At the Tanokrom get-together, close to 60 gays and lesbians from the Eastern, Ashanti and Central regions, are said to have attended." [8]

- 21.20 A Freedom House article of 8 August 2011, 'LGBT Population in Ghana Under Threat', noted that "... there are no registered LGBT organizations in Ghana, and in 2006, the government banned an LGBT rights conference that was supposed to be held. Gays and lesbians have frequently been the victim of blackmail, with blackmailers threatening to 'disclose' their status; they have faced extortion, direct threats, assault, rape and murder." [21a]

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## 22. DISABILITY

- 22.01 The Freedom House report, Countries at the Crossroads 2010 – Ghana, published 7 April 2010, noted, "Both the NPP and NDC administrations have shown some commitment to addressing disability issues. The NPP government passed the Persons with Disabilities Act (Act 715) in 2006, though it was sluggish in implementing some of the law's key provisions, such as staffing and finding an appropriate site for the secretariat of the National Disability Council. The NDC government subsequently inaugurated the council." [21b](Civil Liberties)

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## 23. WOMEN

### OVERVIEW

- 23.01 Ghana was a signatory to (17 May 1980) and ratified (2 January 1986) the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). [48a] <http://www.un.org/womenwatch/daw/cedaw/cedaw36/cc/Ghana/0648072E.pdf>

- 23.02 In addition to CEDAW, the Africa Women's Rights website, in a 'Dossier of Claims: Ghana' of 5 March 2010, noted that Ghana has ratified the Protocol to the African Charter on Human and Peoples' Rights of Women in Africa (Maputo Protocol), without reservations, and has also ratified the Optional Protocol to CEDAW. **[52]**
- 23.03 The Freedom House report, *Countries at the Crossroads 2010 – Ghana*, published 7 April 2010, noted: "The constitution protects... women and children's rights." **[21b] (Civil Liberties)** The same source further commented:
- "Recently, Ghana has shown increasing sensitivity toward gender issues. The NPP government in 2001 established a Ministry for Women and Children's Affairs (MOWAC), which assumed jurisdiction over two existing government agencies, the National Council on Women and Development and the National Commission on Children. The new Atta Mills government has also demonstrated an awareness of the importance of gender issues, and has committed itself to appointing women to 40 per cent of government positions. However, it is highly doubtful that this target will be met. Moreover, the number of women in Parliament dropped from 23 to 20 after the 2008 elections."
- 23.04 However a *Public Agenda (Accra)* article of 19 December 2011, 'Women's Rights Agenda in Retrospect', noted that "2011 was not so good despite CSOs [civil society organisations] input into efforts to ensure that the rights of women were upheld, that is the verdict of women activists... women have not fared well at various levels politically and that at public level there was no new major appointment of a woman... civil society organisations have done well in terms of participation." **[10b]**
- 23.05 The World Economic Forum *Global Gender Gap Report 2011* ranked Ghana at 70 in a list of 135 countries. "The Global Gender Gap Index... is a framework for capturing the magnitude and scope of gender-based disparities and tracking their progress. The Index benchmarks national gender gaps on economic, political, education- and health-based criteria, and provides country rankings that allow for effective comparisons across regions and in-come groups, and over time." The report noted that "Although Ghana's ranking does not change [from 2010], it shows an increase in its overall score... As in the case of the subindexes, this final value is bound between 1 (equality) and 0 (inequality), thus allowing for comparisons relative to ideal standards of equality in addition to relative country rankings." **[49]**

## LEGAL RIGHTS

- 23.06 The Constitution of the Republic of Ghana (1992), in Chapter Five (Fundamental Human Rights and Freedoms), stated:
- "12 (2) Every person in Ghana, whatever his... gender shall be entitled to the fundamental human rights and freedoms of the individual contained in this Chapter but subject to respect for the rights and freedoms of others and for the public interest.
- "17. (1) All persons shall be equal before the law
- (2) A person shall not be discriminated against on grounds of gender, race, colour, ethnic origin, religion, creed or social or economic status." **[50a]**
- 23.07 The Social Institutions and Gender Index country profile of Ghana, undated, accessed 3 April 2012, stated:

“Ghana’s 1992 Constitution officially bans all cruel and inhumane aspects of cultural and traditional norms. Over the past decade, several laws have been enacted to criminalise violence against women. The Criminal Code imposes sanctions with respect to defilement, forced marriages, customary servitude, female genital mutilation, abuse of widowhood rites and the practice of banishment of ‘witches’.

“In reality, women in Ghana frequently face abuse and violation of their constitutional rights. Many women, particularly in rural areas, remain subject to traditional male dominance and to practices and social norms that deny their statutory entitlements to inheritance and property, a legally registered marriage, and the maintenance and custody of children.” [51]

## POLITICAL RIGHTS

23.08 The USSD Report 2010 noted that “There are no laws preventing women from voting or participating in political life on the same basis as men, but women traditionally had less access to leadership positions than men.” [1a]

23.09 An article in African Arguments of 11 January 2012, ‘Ghana: Women Still Sidelined Politically As 2012 Election Approaches’, observed:

“In Ghanaian politics women are perceived as trespassers, decoration, or as supporters of the actions of men who sit higher up in the political establishment (often brought out to win votes for them during campaigning)...Recently Ghana has been stamped and approved as an exemplary model of democracy in the west African region by many analysts whose reference points are post-conflict countries recovering from decades of civil war and authoritarian or repressive governments. Ghana’s democracy...has shown the rest of the world that West African nations are capable of democratic governance and more sophisticated forms of political organization. However, Ghana’s political system and culture has failed to develop when it comes to the inclusion of women. Currently a mere eight percent of parliamentarians are women, which translates into 19 out of 230 parliamentarians and four out of 19 cabinet ministers. With the ruling National Democratic Congress (NDC) to conduct its primaries for its safe seats shortly and the opposition National Patriotic Party (NPP) only increasing its female candidates marginally up to 24, women’s rights groups say they expect little to change in this year’s elections...Female political candidates in Ghana face a number of challenges their men counterparts don’t. They must often seek permission from their husbands, lack access to funds to support their campaign and can also have their reputations dragged through the mud and their honour insulted in the quest for parliamentary and local assembly seats. MPs and district assemblymen in various regions and areas throughout the country have been known to taunt women and suggest they are prostitutes during campaigning.” [53]

23.10 A report in Womankind of 1 September 2011, ‘Women Making Political History in Ghana’, noted:

“Political history was in the making this week in Ghana when members of the country’s socialist opposition party – the Convention People’s Party (CPP) – voted women into some of their most important leadership positions. [They] have been elected to four out of the nine top executive posts in the party...In particular, Ms Samia Nkrumah, the daughter of Ghana’s first president and MP for Jomoro in the Western Region, made political history as the first woman to be elected to be the chair of any political party in

the country...Ghana has one of the lowest levels of women's political participation in the region." [54]

## SOCIAL AND ECONOMIC RIGHTS

- 23.11 A GhanaWeb article of 19 October 2010, 'Discrimination, violence-bane of the Ghanaian woman', noted:

"...the bane of the development of women in Ghana is encapsulated in social, cultural, economic and political discrimination coupled with blunt violation of the rights, intimidation and violence because of their gender. Women lack the capacity to engage in viable economic activities to generate enough money and they remain in the vicious circle of poverty, preventing them from having access to proper health, education, shelter...Many women are unable to afford even the cost of transportation to reach health facilities. Others face barriers because they are illiterate or do not speak English, the official language. In some cases, some are denied access to information they need just for the reason that they are women." [8i]

- 23.12 The same GhanaWeb article continued:

"...in Ghana, many women have been excluded from decision making and access to such health delivery services is denied them despite the fact that government is required by international laws and standards to do all that it can within its resources to fulfill women's rights to health. Among many ethnic groups, it is only males who have the right to own or inherit immovable property such as land, cash crop such as cocoa or coffee or valuable economic trees like timber, through inheritance. Many women, particularly in the rural areas, remain subject to traditional male dominance and hold fast to social norms that deny them their statutory entitlements to inheritance and property, a legally registered marriage and the maintenance and custody of children. Many widows, especially those childless, are thrown out of their late husbands' houses by relatives of the men because it is considered a taboo for women to own houses. Consequently, poor single women are not able to properly ensure their children's wellbeing and development, a situation that retards the development of individuals, communities and the country at large...Discrimination at the work place has become common and the situation has caused some women to engage in menial jobs like being head potters (kayayo) and house helps. They are often exposed to social, commercial and sexual exploitation." [8i]

- 23.13 An Inter Press Service News Agency article of 3 November 2011, 'Ghana: No Pensions for Majority of Elderly Women', recounted the story of two older woman in the illegal slum settlement of Old Fadama in Accra:

"Untouched by Ghana's meager social support system and beyond the reach of its tatty pension scheme, she is a composite of this West African country's elderly women: poor, struggling, and often forgotten. Gender activists say the situation of women...is caused by a confluence of factors, from low rates of female education to increasingly nuclear family structures, and from social policy vacuums to cultural discrimination. Compounding the picture are Ghana's labour markets, which, because of longstanding gender roles, herd women into the informal sector...There are pension schemes in Ghana. The biggest is a statutory programme run by the Social Security and National Insurance Trust (SSNIT) which, as of the end of 2010, included 107,312 people from the private and public sectors. Only 17,229 of them were women, because the scheme

is for formal sector employees...Meanwhile, SSNIT does have a scheme for the informal sector. It started as a pilot project in 2005 and went national three years later. It is a flexible programme, allowing members to contribute what they can when they can...But just 32 percent of the account's 90,000 contributors are female. Ghana's 24 million people are almost equally divided among the sexes, though women live longer. And while there are plenty of men in the informal sector – hawkers, fishermen, masons – advocates say it is primarily a woman's realm. However, there is no reason why so few women belong to this scheme...Currently, Ghana's 20-year-old constitution is under review. A review panel, formed in 2010, toured the country hearing from stakeholders...The Network for Women's Rights in Ghana sought to broaden the definition of discrimination in the constitution to include discrimination caused by economic and cultural systems, as well as address a host of rights issues.” [42c]

## Education

23.14 A Citizenshift article of 28 March 2012, ‘Getting to Class-Girls in Ghana fight for their right to education’, noted:

“Despite national and international guarantees of gender equality and the right to education, girls still face more obstacles to attending school, and being safe once there, than do their male counterparts. While many students in the impoverished Northern Region of Ghana don’t have money to pursue an education, girls here must contend with the assumption that they don’t merit one. From an early age, girls realize that education holds the promise of a new life. The girls who do finally make it to school have to contend with new perils -- perils that would be avoidable if their right to education was prioritized or even properly recognized by society.

“The UN Universal Declaration of Human Rights states that the right to education is universal and inalienable. This is supported by Article 25 of the Ghanaian Constitution. ‘All persons shall have the right to equal educational opportunities and facilities and with a view to achieving the full realization of that right- (a) basic education shall be free, compulsory and available to all.’ This is followed by the declaration that ‘secondary education in its different forms, including technical and vocational education, shall be made generally available and accessible to all by every appropriate means, and in particular, by the progressive introduction of free education.’” [55]

23.15 The same Citizenshift article continued:

“While primary school is technically free in Ghana, and high school is technically accessible, there are many hidden costs that are borne by the students and their families. While tuition is not very expensive on its own, school fees and the cost of mandatory uniforms and books, can add up to ten times what the government considers to be the cost of education. It is these hidden costs that keep girls out of school. The pains they undertake to both change the idea that they are not worth educating and to seek the means to attend school, render secondary school far from “generally available.” Also, girls make a huge contribution at home and in the fields. When they go to school, they can’t put in the same amount of work elsewhere and face resistance from their families and communities. While foreign NGOs and donations from wealthy countries can help provide necessities for girls who lack the financial means to support their education it is the girls themselves who must challenge assumptions about their worth and role in society. In a region where people struggle just to survive, this is a much more difficult task.” [55]

See section on [Children](#)

## Employment

- 23.16 The UN Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Erturk, Addendum, Mission to Ghana, published 21 February 2008, stated:

“The labour market participation among Ghanaian women, including married women and women with children, is very high and practically at the same level as that of men. According to the 2003 Demographic and Health Survey, 75.1 per cent of women and 75.6 per cent of men in Ghana were employed. It is also noteworthy that women seem to have considerable autonomy over the use of their earnings. Nearly three in four women surveyed (73 per cent) stated that they are solely responsible for decisions on the use of their earnings, which they generally contribute to family sustenance and the care of their children. Remarkably, more rural women than urban women reported to have full control over their earnings.

“The labour market, however, remains strongly segregated by gender. Whereas women work mainly in sales and services, including as self-employed traders, men are primarily employed in agriculture and public sector jobs. The gender segregation also works vertically; women are underrepresented in better paying skilled posts. Three times as many men as women work as professional, technical or managerial staff (10 per cent v. 3 per cent), while 23 per cent of employed men and 16 per cent of employed women undertake skilled manual labour.

“All of the above results in a large wage gap, where women earn about 29 per cent less than men.” **[27a] (Employment)**

- 23.17 The International Labour Organisation National Labour Law Profile for Ghana, published 17 June 2011, noted:

“Labour market information shows signs of gender discrimination. In the latest Ghana Living Standard Survey (GLSS IV), only 0.1 percent of women were found to be in the managerial/administrative category while 2.7 percent were in the professional/technical category. In the trade union movement as well, there not a single woman is among the 17 General Secretaries and 17 Deputy General Secretaries of the unions affiliated to the Ghana TUC.

“The situation is worse in rural areas where women are mostly illiterate. Traditionally, women in Ghana are engaged in the production of food crops but not cash crops such as cocoa where returns are high. Women in the agricultural sector have, therefore, been seriously disadvantaged and have not benefited proportionally from the recent increases in cocoa prices, for instance. The result of the discrimination is the lower average earnings for women (particularly in the informal sector) and the lack of opportunity for career advancement for women in the formal sector. Widespread illiteracy (or low level of education) among women is cited as one important explanatory factor for the discrimination. But this may even be a better indication for discrimination against females, generally, at the household and community levels.” **[62]**

## Reproductive rights

23.18 The USSD Report 2010 stated:

“Couples and individuals have the right to decide freely on the number, spacing, and timing of pregnancies. According to the 2008 Demographic and Health Survey, 98 percent of all women surveyed were able to cite at least one birth control method. According to a foreign aid agency, 17 percent of married women of reproductive age used a modern contraceptive method. More than 75 percent of pregnant women had four or more prenatal visits. Approximately 60 percent of women delivered with a skilled attendant. Maternal mortality was estimated in a recent study at 451 per 100,000 live births, with the most common causes of death being hemorrhage and infection. More than two-thirds of women reported receiving medical care within two days of delivery. Women were more likely than men to accept HIV testing, particularly since it was offered as a standard component of prenatal care. An estimated 10 percent of the population knew their HIV status; approximately 30 percent of HIV-positive pregnant mothers received antiretroviral medications to prevent mother-to-child transmission.”  
[1a](section 6)

## Abortion

23.19 An Africa Regional Sexuality Resource Center article of 22 September 2011, ‘Institutionalised Stigma in Ghana’, observed:

“Abortion has been legal in Ghana under a wide range of circumstances—including to protect a woman’s mental health—since 1985, making it one of the most progressive laws in Sub-Saharan Africa. Yet unsafe abortion still contributes to nearly one-third of maternal deaths. Access is chronically denied, and knowledge of the abortion law among women and health-care providers alike is scant. In Ghana, the issue of abortion is taboo. In the silence surrounding it, misinformation and stigma thrive.

“Nearly 85 percent of the country identifies as Christian, and in a recent survey, almost 90 percent of Ghanaians reported that abortion was morally wrong. Yet abortion stigma must be placed within the context of even broader taboos around sex and sexuality. ‘In Ghana, we are sort of in denial about contraceptives. If someone is on family planning, for instance, and you ask her, ‘are you on family planning?’ She’ll say no. When you ask her, ‘well how do you space your children?’ She’ll say, ‘It is God’s grace,’ said Rose Asante, a reproductive health worker in Accra.

“‘Talking about sex or family planning, or going to get a contraceptive method, people think it means that you are promiscuous,’ she continues. ‘Our society is not a society where you can talk about sex openly. Everybody grows up knowing this is a no-go area. And especially abortion has a lot of stigma and silence around it; nobody wants to talk about it.’

“Women in Ghana who seek abortions are seen as more than just promiscuous. They are considered heartless or careless. ‘People think you must be a really bad woman to have an abortion,’ said Richard Oye’, a reproductive health clinic manager in Ghana’s Ashanti Region. ‘People don’t want to have it, and people who do want to hide it. That’s why the quacks are in good business. They provide services quietly in the back streets.’” [63]

## Marriage

- 23.20 The Social Institutions and Gender Index Country Profile of Ghana, undated but accessed 3 April 2012, stated:

“The Marriage Ordinance states that marriages are to be monogamous and prohibits men from marrying again (unless they legally divorce). This contradicts customary law and Islamic Sharia law, both of which allow polygamy (in the case of Sharia, a man may register up to four wives). The Marriage Ordinance makes no allowance for a second marriage under customary or Sharia law. Similarly, men who have a first wife by customary law cannot contract a subsequent marriage under the Marriage Ordinance. Despite these legislations, a considerable number of men married under classical law are in bigamous marriages (or have been at some point in their lives). An estimated 22 per cent of women in Ghana are in polygamous relationships.” **[51]**

- 23.21 The UN Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Erturk, Addendum, 2007 Mission to Ghana, published 21 February 2008, noted:

“Unequal gender relations are sustained by discriminatory marriage practices and marital relations. Marriage entailing the transfer of the bride from one family to the other is perceived as a contract binding two families. In all ethnic groups, the groom’s family pays a dowry (money, goods or livestock) to the bride’s family, which leads some men to believe that they own their wife.

“In some cases, particularly in the three northern regions, young women and girls are exchanged between families to offset dowry payments. Almost by definition, this practice involves a forced marriage for both the bride and the groom; therefore, from the start, seeds of conflict and potential violence are sown into the matrimonial union.

“Polygamy is another practice that entrenches women’s subordinate position. According to the 2006 Ghana Multiple Indicator Cluster Survey (MICS Survey), more than one in five women (21.6 per cent) aged 15-49 years lived in a polygamous union. Polygamy is particularly prevalent in the three northern regions, where close to 40 per cent of women live in polygamy.

“The Children’s Act of 1998 sets 18 as the minimum age for marriage and criminalizes child marriages. However, child and early marriages continue to be performed, because the law is not adequately enforced.” **[27a] (Paras 19-20)**

- 23.22 The Marriage and Family Encyclopaedia on its Ghana - Marital Processes and Types of Marriage page, accessed 13 July 2010, stated:

“The marriage process itself varies among ethnic groups. Also, the type of marriage consummated by a couple often depends on a host of factors, including their socioeconomic status (e.g., formal education, occupation, income, wealth, place of residence), and their family, religious, and ethnic backgrounds. Ghanaian family law recognizes a plurality of marital forms. Throughout the country, customary law marriages, consensual unions, marriages contracted under Islamic rules, and those contracted under the ordinance (civil or church) are all recognized as legal. Of these four types of marriages, marriage under customary or traditional law accounts for most marriage contracts in the country.” **[31a]**

## Divorce

- 23.23 The UN Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Erturk, Addendum, 2007 Mission to Ghana, published 21 February 2008, noted:

“Women who are going through a divorce find themselves in an even weaker legal position than widows, because of the discrepancy between customary law and statutory law. The Matrimonial Causes Act 1971 (Act 367) foresees a separation of property between the spouses. Since customary law presumes that all property acquired during marriage is the sole property of the husband, women are often deprived of an equitable share of the marital property, when they divorce. An exception applies if a woman can prove that she made a ‘substantial contribution’ to the acquisition or maintenance of the property. However, the Government clarified in writing that the provisions of Act 367 apply to either party in the marriage. Accordingly, as per section 20 (1) of the Act, the Court ‘may order either party to the marriage to pay to the other party a sum of money or convey to the other party movable or immovable property as settlement of property rights or in lieu thereof or as part of financial provisions that the Court thinks just and equitable’. The Government noted that the shortcoming of the Act is that it applies principally to monogamous marriages. Therefore, while section 41 (2) of the Act makes the Act applicable to non-monogamous marriages including customary law marriage, the Act allows customary law to be applied.” **[27a] (Para 13)**

## Widows

- 23.24 The UN Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Erturk, Addendum, 2007 Mission to Ghana, published 21 February 2008, stated:

“While the customary law denies women a right to inherit, it obliges the heirs of the deceased to maintain his widow and children. In many cases, however, not even this obligation is respected and widows are evicted from their homes by those invoking customary inheritance rights. The Intestate Succession Law seeks to protect widows against eviction by making it a criminal offence to evict a widow or her children from the family home within the first six months of the husband’s death. Unfortunately, this protective norm is often wrongly interpreted as permitting evictions after six months have passed.

“Several communities also still practise levirate marriage/widow inheritance, requiring the widow to marry (formally or informally) her late husband’s brother. In other communities, the woman is ‘inherited’ by one of the sons born to another wife of the deceased husband. These marriages are more than a social support arrangement for the widow, since the man is permitted to have sexual relations with the widow. Nevertheless, women are in no position to refuse. If they do they may be violently ejected from their homes and left destitute.” **[27a] (Paras 71-73)**

## VIOLENCE AGAINST WOMEN

- 23.25 The United Nations Convention Against Torture, Concluding Observations of the Committee Against Torture, Ghana, published 15 June 2011, on the subject of domestic violence, noted:

“The Committee takes note of the adoption in 2007 of the Domestic Violence Act and the statistics presented by the State party during the dialogue on the domestic violence cases that occurred in 2010. However, the Committee is concerned at reports of widespread violence against women, including domestic violence; the partial implementation of the Domestic Violence Act; and that the Domestic Violence and Victim Support Unit (DOVVSU) of the Police Service is inadequately resourced. The Committee is concerned at the reluctance of the State party to criminalize marital rape, and the lack of information in the State party’s report on the number of complaints, investigations, prosecutions, convictions and sentences imposed in cases of violence against women during the period under review.” **[77](page 8)**

23.26 The Freedom House report, *Countries at the Crossroads 2010 – Ghana*, published 7 April 2010, noted that “The constitution protects... women and children’s rights... The criminal code addresses rape, defilement, incest, abduction, and forced marriage. However, the Domestic Violence Act is still not properly enforced, and DOVVSU (Domestic Violence and Victim Support Unit) does not receive adequate resources.” **[21b] (Civil Liberties)**

23.27 The United Nations Convention Against Torture, Concluding Observations of the Committee Against Torture, Ghana, published 15 June 2011, on the subject of harmful traditional practices, noted:

“The Committee takes note of the positive actions of the Government in criminalizing harmful traditional practices, such as female genital mutilation and *trokosi* (ritual or customary slavery). It also notes the 25 per cent decrease in the number of reported cases of female genital mutilation between 1999 and 2010, although there were still a total of 123,000 reported cases during that period. The Committee remains concerned at the clear incompatibility between certain aspects of Ghana’s customary law and traditional practices and the respect for fundamental rights and liberties, including the prohibition of torture and cruel, inhuman or degrading treatment or punishment. In this regard, the Committee is concerned at reports that some women have been accused of practicing witchcraft, and subjected to severe violence, including mob violence, burning and lynching, and forced to leave their communities. Many such women have been sent to so-called ‘witch camps’ through a system that lacks minimal due legal process, and from which the possibility of returning to society is uncertain. The Committee also expresses concern about reports of cases of violence against widows who are often deprived of their inheritance and, in some cases, subjected to humiliating and abusive widowhood rites. The Committee regrets the lack of information on prosecutions and sentences imposed on perpetrators of such acts, as well as on assistance and compensation to the victims. It also regrets the lack of information on the steps taken to ensure that customary law in Ghana is not incompatible with the State party’s obligations under the Convention [Against Torture].” **[77](page 9)**

23.28 A Public Agenda (Accra) article of 28 November 2011, ‘Ghana: Memia Must Say No to Violence Against Women’, noted:

“Often times in Ghana, women are subjected to discriminatory cultural practices that occasionally expose them to some of the violent tendencies of their male counterparts. At the workplace, they often find themselves in a similar atmosphere of abuse including sexual harassment and verbal abuse. This leaves psychological scars that are as damaging as physical abuse. Recently, the Ghanaian media has been flooded with

reports of abuse of women in our higher educational institutions, where one would have thought that high level of civility and respect for human rights would be upheld.

“...Efforts to eradicate violence against women in Ghana have been met with lots of impediments; principal amongst them is attitudes, beliefs and cultural practices which place men high above women and also overlook certain violent actions perpetuated against women. Statistics available at the United Nations have it that 28% of males and 41% of females in Ghana between the ages of 15-19 still think that the husband is justified in hitting or beating his wife under certain circumstances. The Beijing Platform for Action requests all governments to promote research, collect and compile statistics relating to the prevalence of different forms of violence against women. Ghana has ratified a number of international charters and conventions that seek to promote an end to violence against women. Beyond this, it has put together its roadmap to steer programs aimed at ensuring that women enjoy their fundamental human rights. This is evident in the passage of the Domestic Violence Bill into law by Parliament on 21st of February 2007. Despite the challenges confronting the Domestic Violence and Victim Support Unit (DOVVSU) of the Ghana Police Service formerly known as the Women and Juvenile Unit, it is helping to address cases of abuse and violence against women and children. Various women rights groups have taken up advocacy on ending domestic violence against women in Ghana.” [10c]

## Domestic violence

23.29 A Joy Online article of 31 March 2012, ‘Abused! More women suffer domestic violence in Ghana’, observed that “One in every three women in Ghana has experienced abuse in one form or another. According to statistics over fifteen thousand cases of offences against women and female children were reported last year alone across the country, up from a 2010 figure of about 11,000.” [64]

23.30 The USSD 2010 report stated:

“The law criminalizes rape but not marital rape. Rape was underreported and remained a significant problem. When cases of rape were reported, perpetrators were often arrested and prosecuted. During the year the police service's Domestic Violence and Victim Support Unit (DOVVSU) worked closely with the Department of Social Welfare, the national chapter of the International Federation of Women Lawyers, the Legal Aid Board, and several other human rights NGOs to combat domestic violence. During the year DOVVSU received 318 reports of rape and reported 158 arrests, 101 prosecutions, and three convictions; 224 cases remained uninvestigated at year's end. Convicted rapists may be punished with prison sentences ranging from five to 25 years.

“Although the law prohibits domestic violence, it continued to be a problem. The law stipulates that a person in a domestic relationship who engages in misdemeanor domestic violence is liable on summary conviction to a fine, a term of imprisonment of not more than two years, or both. The court also may order the offender to pay compensation directly to the victim. However, inadequate resources and logistical capacity in DOVVSU and other agencies, as well as only partial implementation of the Domestic Violence Act, hindered the full application of the law during the year. Unless specifically called upon by DOVVSU, police seldom intervened in cases of domestic violence, in part due to a lack of counseling skills, shelters, and other resources to assist victims. In many cases, victims were discouraged from reporting abuse and from cooperating with prosecutors because of long delays in bringing such cases to trial.

Victims frequently did not complete their formal complaints because they could not afford the fees that doctors charged to document the abuse in police medical forms. Although the law waived these medical fees, doctors continued to require them in exchange for signing medical reports. There were credible reports that doctors sometimes charged more than the rate set by the hospital administration to sign medical forms. Statistics were not available on prosecutions of domestic violence cases during the year.” **[1a](section 6)**

## Witchcraft

- 23.31 A United Nations Office of the High Commissioner for Human Rights report of August 2009, ‘Witches in the 21<sup>st</sup> Century’, noted:

“Throughout history, people described as witches have been persecuted, tortured and murdered and the practice continues today. Statistics are not easy to come by but it is known that every year, thousands of people, mostly older women and children are accused as witches, often abused, cast out of their families and communities and in many cases murdered. The Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, in his most recent report to the Human Rights Council, says: ‘In too many settings, being classified as a witch is tantamount to receiving a death sentence.’

“Shockingly, it is children that are increasingly targeted. A report for the United Nations High Commissioner for Refugees published in January 2009, ‘Witchcraft Allegations, Refugee Protection and Human Rights’, says the abuse of children accused of witchcraft is common in countries that have suffered years of conflict where traditional social structures have disappeared and where child soldiers have often emerged as a threat. And in countries where sudden deaths from diseases like AIDS are common, where there are few if any prospects of a better life, and where revivalist churches confirm signs of witchcraft, children are often accused of supernatural powers and persecuted.

“Alston concludes: ‘The persecution and killing of individuals accused of practicing so-called ‘witchcraft’ – the vast majority of whom are women and children – is a significant phenomenon in many parts of the world.’ The response to witchcraft ‘frequently involves serious and systematic forms of discrimination,’ he says, ‘especially on the grounds of gender, age and disability.’ The families of the witches are also ‘often subjected to serious human rights violations.’

“...In Ghana it is thought as many as 2,000 accused witches and their dependents are confined in five different camps. Most of the camp inmates are destitute, elderly women and some have been forced to live there for decades.” **[65]**

See section on [children](#)

- 23.32 An ActionAid article of 19 October 2010, ‘Witchcraft in Ghana-the women cursed by superstition’, noted:

“Mariama lives in Kukuo ‘witch camp’, one of six camps across northern Ghana collectively home to about 700 women. The numbers involved show how deep-rooted the belief in witchcraft still is in this country, and these are figures only for those who make it as far as the camps. It’s common knowledge that women are still being

murdered for the 'crime' of being a witch. According to local beliefs, the camps are 'safe places' where witchcraft cannot be carried out, some because they lie on sacred land, others because of the cleansing rituals new arrivals have to go through. They are crammed with women who tell their own version of the same story – mob justice after accusations of suppressing someone's breath, appearing in malevolent dreams, bewitching neighbours until they die. And the resulting years of hardship and insecurity lived on the margins of society, fearing for their lives if ever they try to return home.

"These women are accused because they are poor and they are powerless,' says Adam Lamnatu, women's rights officer at Songtaba, a network of organisations ActionAid helped set up to support the women in the camps.

"..The prevalence of superstition, juju and black magic might sit uneasily in a country where Christianity and Islam are also practised, but regardless of imams and priests actively preaching against witchcraft, people here seem able to easily reconcile the two." [66]

23.33 An IRIN report of 13 October 2011, 'Ghana: Reintegrating the nation's 'witches'', noted:

"Ghana's government is looking at ways to support people accused of witchcraft - mainly women and children banished by their communities to "witches' camps" in the north - and to reintegrate them in their home villages. Currently around 1,000 women and 700 children are living in six camps in northern Ghana, where they have found refuge from threats and violence from people in their home communities after being labelled witches and blamed for causing misfortune to others. In most cases the residents were taken to the camps by family members. A small number of men are also banished to the camps as "wizards", according to Hajia Hawawu Boya Gariba, Ghana's deputy minister for women and children's affairs. The camps are located in remote areas and the residents usually live in basic conditions in mud huts without electricity, with limited access to food, water or medicine. Local reports detail women going hungry, residents having to walk kilometres to collect water, and children being unable to attend school. The camps are run by managers - usually the people who founded them - who rely on funding from NGOs and private donations to operate the facilities. Sometimes camp managers also take payment such as food from residents." [17b]

### Female genital mutilation (FGM)

23.34 A Public Agenda (Accra) article of 10 February 2012, 'Ghana: Police Lack Capacity to Combat FGM', noted:

"FGM is one of the major negative cultural practices that affects the dignity and violates the fundamental human rights of women as well as afflict women with serious health hazards. Though the practice takes place in some parts of the country, the practice is common in the three regions of Northern Ghana, especially in the Upper East Region where it is performed as part of puberty rites... FGM is the collective name given to a number of cultural practices that involve the partial or total cutting of female genitals. FGM can be performed as early as infancy and as late as age thirty. The origins of FGM remain unclear." [10d]

23.35 An Inter Press Service News Agency article of 29 February 2012, 'Father's Fight to Save Daughter from Genital Mutilation', noted:

“Female genital mutilation was criminalised in Ghana in 1994. The United Nations and the World Health Organization (WHO) have condemned the procedure, which involves the removal of a woman’s external genitalia, including the clitoris and inner labia. The WHO says the practice has no health benefits and causes only harm. It can result in recurrent bladder and urinary tract infections, cysts and infertility... In Ghana’s northern regions FGM is generally practiced between December and February... Many in Ghana’s northern regions see the practice as a normal part of womanhood... In Ghana, people who practice the banned procedure can serve five to 10 years in prison if they are prosecuted. But authorities are not doing enough to curb the practice.” **[42d]**

23.36 The Public Agenda (Accra) article of 10 February 2012, ‘Ghana: Police Lack Capacity to Combat FGM’, noted:

“The Police are unable to enforce the laws against female genital circumcisers effectively because most of the personnel do not have sufficient knowledge of the policies guiding Female Genital Mutilation (FGM) in Ghana, says Mr Elvis Sandogo, head of the Social Service unit of the Police Hospital. Mr Sandogo cautioned policy makers that until they involve the Police Service in the implementation of policies on FGM, the police will continue to lack the capacity to perform their duties in respect of the harmful cultural practice affecting the health and psyche of women. Citing the Domestic Violence Act as an example, Mr Sandogo said it took the police some years to fully understand the nitty-gritty of the Act after several workshops were held by gender-oriented organisations.” **[10d]**

23.37 The USSD 2010 report stated:

“The law prohibits FGM, but it remained a serious problem in the Upper West Region of the country, and to a lesser extent in Upper East and Northern regions. Type II FGM--defined by the World Health Organization as the excision of the clitoris with partial or total excision of the labia minora--was more commonly performed than any other type. A girl was typically excised between 4 and 14 years of age. According to a 2008 study conducted by the Ghana Statistical Service with support from the UN Children’s Fund, approximately 49 percent of girls and women between 15 and 49 years old in Upper West Region--where the practice was most common--had experienced some form of FGM, 20 percent in Upper East Region, and 5 percent in Northern Region.

“Intervention programs were somewhat successful in reducing the prevalence of FGM, particularly in the northern regions. Officials at all levels, including traditional chiefs, continued to speak out against the practice, and local NGOs continued educational campaigns to encourage abandonment of FGM and to train practitioners in new skills so they could seek alternate sources of income.

“In a 2009 survey of girls and women between 15 and 49 years old in Upper West Region, 85 percent stated that the practice should be discontinued, 10 percent were unsure, and only 5 percent supported its continuation. Lower prevalence of FGM among women in Upper East Region was highly correlated with increased education. There were no prosecutions of practitioners during the year.” **[1a](section 6)**

### **Ritual Servitude: ‘Trokosi’**

23.38 A British Broadcasting Corporation (BBC) extract from the International Archives of Woman’s Hour, ‘Trokosi women in Ghana’, dated 9 August 2009, stated that “The

Trokosi custom is practised in south-eastern Ghana. A family must offer a daughter to the priest as a way of appeasing the gods for a relative's transgression, past or present. The tradition, has been part of the Ewe culture for centuries, requiring a girl to spend the rest of her life as a 'wife of the gods'. Children as young as 18 months are sent to the shrine. When a Trokosi girl dies, her family is expected to replace her with another young girl, passing the problem down from generation to generation.” [25a]

23.39 The United States Department of Labor (USDOL) 2010 Findings on the Worst Forms of Child Labor Report, published 11 September 2011, noted that “... some children in the southern Volta region are involved in Trokosi, a form of religious servitude which can last from a few months to three years. This practice requires children to atone for family members' sins by assisting with prayers and the upkeep of religious shrines.” [26](page 313)

23.40 The United Nations Human Rights Council, in its Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences, Yakin Erturk: addendum: mission to Ghana, published 21 February 2008, stated:

“The custom requires a family to offer a virgin daughter as a trokosi to a traditional fetish shrine to ward off the punishment of the gods for crimes or moral wrongdoings committed by a family member. The misdeeds for which atonement is sought may often date back generations...A girl designated to become a trokosi is usually committed at a very young age (6 to 10 years old) to the shrine, where an initiation ritual betrothing the girl to the gods is performed. The ritual establishes a relationship of spiritual bondage between the girl and the shrine. From the moment of her betrothal, the trokosi must wear special insignia indicating her status and outsiders are prohibited from having any sexual contact with the girl. If a man sleeps with a trokosi, his family is believed to have incurred the wrath of the gods, therefore, must also offer a virgin daughter to the shrine. Meanwhile, the girl with whom the man had sexual relations is ritually ‘purified’ and remains a trokosi at the shrine.

“In addition to performing ritual duties and domestic chores at the shrine, a trokosi is usually also expected to work long hours on farmland belonging to the shrine. She does not receive anything in return for her labour and her family is required to provide her with food and all other necessities. Once a trokosi reaches puberty, the shrine’s fetish priest (tronua) is entitled to sleep with the girl to consummate the marriage between her and the gods. Groomed from a very young age into accepting their servitude at the shrine, the girls are not in a position to refuse. Daughters born from such sexual relations also have certain obligations to the shrine.

“After serving several years at the shrine, a trokosi may be released from servitude if her family pays for a special ceremony, but she will retain a relationship with the shrine and continue to perform certain rituals there. Released trokosi are allowed to marry, but are often unable to find a husband. If a trokosi dies, her family is expected to replace her with another girl and the cycle of ritual servitude and exploitation recommences.

“In 1998, the Government passed a law against ritual servitude (among other things), criminalizing the practice of trokosi, although there have been no prosecutions under the law. Government officials were under the impression that the practice had since almost vanished. Information obtained from other sources indicates that the practice continues to thrive. Reportedly, there are at least 23 shrines in the Volta Region and 3 in the Greater Accra Region which still accept trokosi.

“In many districts, the local authorities are reluctant to enforce the law against ritual servitude, fearing a popular backlash. Some also seem to fear adverse spiritual consequences for themselves. While a number of national authorities, including the Commission on Human Rights and Administrative Justice and the Ministry for Women and Children’s Affairs have taken a strong stance against the practice of trokosi, there are many other elected politicians who fail to publicly denounce it in order not to alienate key constituencies.

“[...] International Needs Ghana (ING) and other non-governmental organizations have led efforts to liberate trokosi and put an end to the practice. According to ING’s own estimates 3,500 girls have so far been liberated and 50 shrines have stopped accepting trokosi. ING seeks to liberate trokosi with the cooperation and consent of affected communities. Communities willing to cooperate are provided with much needed development infrastructure such as schools and boreholes. Fetish priests and shrine owners are encouraged to accept livestock or monetary donations, instead of girls, from families seeking to appease the gods. Once liberation is agreed, a ritual will be performed to break the spiritual bondage tying the trokosi to the shrine. Liberated trokosi are provided with the skills to reintegrate into ordinary life at the ING Vocational Training Centre, which is also open to other girls and women from affected communities.” [27a] (Paras 42-50)

- 23.41 An article in Modern Ghana of 12 August 2011, ‘CHRAJ is keen to stop trokosi-Ms Lamptey’, noted:

“Ms Vivian Lamptey, Commissioner of the Commission on Human Rights and Administrative Justice (CHRAJ), on Thursday said the Commission would continue to hold discussions with fetish priests and traditional leaders on ways to stop ‘trokosi’ in the country. She said even though the practice of ‘trokosi’ had reduced significantly due to efforts of the Commission and other human rights non-governmental organizations (NGOs), there still existed pockets of servitude and coercion... Ms Lamptey said out 17 ‘trokosi’ shrines monitored by CHRAJ in the Volta Region from the beginning of 2011 only six girls were found to have been taken to two shrines... Ms Lamptey said even though the ‘trokosi’ practice violated the rights and freedoms of the people involved, the prosecution of perpetrators would serve as the last resort of the Commission... Osofo Kwakuvi Azasu, High Priest of the Afrikania Mission, said the whole idea that the ‘trokosi’ practice was a violation of women’s rights was coming out of a misconception. He said the ‘trokosi’ shrine was nothing but a convent where women who were privileged in society were sent to be trained to become useful to the community through skills training. Osofo Azasu said the claims by NGOs and people who purported to be liberating these ‘trokosi’ women were false since there was no such thing as slavery and servitude at the ‘trokosi’ shrines.” [28]

## Government and NGO assistance

- 23.42 The USSD 2010 report noted that “Women’s rights groups were active in educational campaigns and in programs to provide vocational training, legal aid, and other support to women. The government was involved in educational programs, and many officials were advocates of women’s rights.” [1a](section 6)
- 23.43 The Ministry of Women and Children’s Affairs states on its website that its aim is, “To enhance it’s contribution to the development of Ghana by achieving equal status for women, enforcing the rights of children and women, and promoting the survival,

development, protection and increased participation of both women and children in the development process.” [44]

This link provides further information of the ministry and further links to relevant acts and legislative instruments:

<http://www.mowacghana.net/>

23.44 The Ghana Police website, undated but accessed 18 April 2012, stated:

“The Domestic Violence and Victim Support Unit (DOVVSU), formerly Women and Juvenile Unit (WAJU) was established by the Police Administration in 1998 in response to the increasing number of Abuse and Violence Against Women and Children. The purpose for setting up DOVVSU was also to create a platform where women and children could have their problems properly addressed. This became necessary because most cases on violence against women and children were treated as mere family issues which were to be settled at home.

“Due to the specialist nature of the work of DOVVSU, the Unit does not operate as a regular Police station. DOVVSU has provided office accommodation in Accra, to the Women’s Initiative for Self Empowerment (WISE), an NGO that supports the Unit with counselors from the University of Ghana. DOVVSU also works hand in hand with the Commission on Human Rights and Administrative Justice (CHRAJ), the Department of Social Welfare (DSW), Federation of Women Lawyers (FIDA), Legal Aid Board, Family Tribunal Courts, NGOs and the Civil Society. These institutions provide Counseling and legal Aid to both victims and perpetrators.” [31b]

23.45 The following links provide lists of local and foreign NGOs in Ghana, which includes NGOs which provides support to women:

Ghanaweb Ghana Related Websites: NGOs – Local

<http://www.ghanaweb.com/GhanaHomePage/directory/cat32.html>

[22f]

Ghanaweb Ghana Related Websites: NGOs – Foreign

<http://www.ghanaweb.com/GhanaHomePage/directory/cat32.html>

[22g]

23.46 The United Nations Office of the Special adviser to Africa published a directory of NGOs for women in the country: <http://www.un.org/africa/osaa/ngodirectory/index.htm> [47]

See section on [Children](#)

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## 24. CHILDREN

### OVERVIEW

24.01 An undated UNICEF report on West Africa, Ghana section, accessed 20 April 2012, noted:

74 The main text of this COI Report contains the most up to date publicly available information as at 20 April 2012. Further brief information on recent events and reports has been provided in the Latest News section to 10 May 2012.

“...With Ghana’s growing wealth, it is important to keep focus on the thousands of children and women who remain in poverty with inadequate health care, nutrition, education and protection. Though child survival has improved as a result of high impact healthcare services and economic progress, one in 12 Ghanaian children under the age of five still dies from largely preventable childhood diseases. Malnutrition contributes to 40 per cent of childhood deaths; 28 per cent of children below five are stunted. 70 per cent of children between 12 and 23 months are fully immunised. Ghana’s maternal mortality rate is high at 451 per 100,000 live births. Access to safe drinking water is comprehensive but use of improved sanitation is lagging behind, especially in the marginalised northern areas of Ghana. The prevalence of the debilitating Guinea Worm disease in the Northern Region, though lower than before, still makes Ghana the second most endemic country after Sudan. Ghana is making good progress in reversing the spread of HIV and AIDS. The national prevalence dropped from 3.6 per cent in 2003 to 1.7 per cent in 2008, below the Western African average. However, HIV prevalence among adolescents and young people is still above the national average at 1.9%. Ghana’s net primary school enrolment and completion rates of more than 80 per cent are far ahead of sub-Saharan averages. But the quality of education needs improvements. Proficiency levels for core subjects such as English and Maths continue to be low. Thirty-four per cent of children between the ages of 5 and 14 were engaged in some form of economic activities in 2003, while nearly 20 per cent were involved in activities classified as child labour.” **[73c]**

- 24.02 The UN Treaty Collection database (accessed 18 April 2012) noted that Ghana signed the Convention on the Rights of the Child on 29 January 1990 and ratified it on 5 February 1990. **[55a]**  
[http://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-11&chapter=4&lang=en](http://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en)
- 24.03 The UN Committee on the Rights of the Child, in its report, Concluding Observations: Ghana, published 17 March 2006, noted that “...difficult socio-economic conditions, high-level external debt and poverty place limitations upon the State party's financial and human resources and hamper the achievement of effective enjoyment of the rights of child.” **[43b]**
- 24.04 UNICEF, on its Ghana page, accessed 18 April 2012, gives basic statistics relating to children:  
[http://www.unicef.org/infobycountry/ghana\\_statistics.html](http://www.unicef.org/infobycountry/ghana_statistics.html) **[73b]**

## Basic legal information

- 24.05 The Children’s Act of 30 December 1998 defines a child as “a person below the age of eighteen years.” The full act can be accessed via the following link: The Ministry of Women and Children’s Affairs, The Children’s Act of 30 December 1998  
[http://www.mowacghana.net/files/childrens\\_act.pdf](http://www.mowacghana.net/files/childrens_act.pdf)  
**[44b]**
- 24.06 The UN Committee on the Rights of the Child, in its report, Concluding Observations: Ghana, published 17 March 2006, noted that the age of criminal responsibility is 12 years. **[43b]**

- 24.07 Universal suffrage exists at 18 years of age (CIA World Factbook, last updated April 2012) [3]
- 24.08 The Social Institutions and Gender Index Country Profile of Ghana, undated but accessed 3 April 2012, noted: “The Children’s Act of 1998 restricts early marriage and sets the minimum age for marriage at 18 years. However, customary practices in Ghana still lead to child betrothals and child marriages.” [51]

See section on [employment rights](#)

## LEGAL RIGHTS

- 24.09 The Ghana NGO Coalition Report to the UN Committee on the Rights of the Child of 31 May 2005, ‘On Implementation of the Convention of the Rights of the Child by Ghana’, stated:

“It has been found by the Child Rights NGO Community, that almost every institution of State relevant to the promotion and protection of the rights and welfare of children faces serious resource and capacity challenges. These include financing and budgetary allocation, human resource – staffing, training and development, remuneration, and logistical challenges. The primary implementing institutions in focus here are the Department of Social Welfare (DSW), the Ghana National Commission on Children, now the Department of Children, Commission on Human Rights and Administrative Justice (CHRAJ), the District Courts/Family Tribunals and the Women and Juvenile Unit (WAJU) of the Ghana Police Service.

“...The Juvenile Justice Act, 2003, has been passed, but the institutional and administrative arrangements that would make for enforcement are still largely lacking; juveniles are routinely remanded in prison with adults in areas where there are no juvenile remand facilities; legal aid support for children in conflict with the law is severely limited.

“...It is also noted with concern that while District Courts, which are also designated Family Tribunals for civil purposes, are vested to decide child related cases, their processes are still slow; many magistrates are still not sensitized to child rights and this is reflected in certain decisions emanating from the Courts that do not reflect the best interest principle. (One NGO for example reports a case in which a judge ordered that the man who impregnated a thirteen year old girl should take her home and care for her and the baby, when in law, it is criminal for him to have slept with the girl in question in the first place!).

“Court processes are also generally unfriendly to children, and fraught with delays and adjournments of cases. There is also there is no legal requirement that child victims should be taken through court process preparation. Child victims on whose behalf cases are brought to the courts by the State for prosecution still face their adult abusers in court when they have to give evidence. In a number of districts no courts exist and officials have to travel long distances with children in conflict with the law.” [72]

## VIOLENCE AGAINST CHILDREN

- 24.10 The United States State Department Report on Human Rights Practices 2010 (USSD Report 2010), released 8 April 2011, noted:

76 The main text of this COI Report contains the most up to date publicly available information as at 20 April 2012. Further brief information on recent events and reports has been provided in the Latest News section to 10 May 2012.

“The law prohibits defilement, incest, and sexual abuse of minors, but such abuses remained serious problems. During the year DOVVSU received 1,080 cases of suspected child defilement and 11 cases of attempted defilement. There were frequent press reports that male teachers sexually assaulted and harassed female students. Girls often were reluctant to report these incidents to their parents, and social pressure often prevented parents from going to authorities. Press reports of teachers, coaches, and headmasters/headmistresses either being arrested for sexual harassment of female students or dismissed for ignoring reported problems continued during the year.”

**[1a](section 6)**

24.11 The UN Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Erturk, Addendum, Mission to Ghana, published 21 February 2008, stated, “Reports also indicate that rape of underage girls committed by men within the family circle, including brothers, fathers, stepfathers and other ‘fatherly figures’, is a big problem, although there is no reliable data on the exact size of the problem.” **[27a] (Para 39)**

24.12 The UN Human Rights Council, in its Summary prepared by the Office of the High Commissioner for Human Rights, in accordance with paragraph 15(c) of the Annex to Human Rights Council Resolution 5/1 - Ghana, published 2 April 2008, noted:

“The Global Initiative to End All Corporal Punishment of Children (GIEACP) informed that corporal punishment is lawful in the home. The Children’s Act (1998) allows for a degree of ‘reasonable’ and ‘justifiable’ punishment of children, stating in article 13(2) that ‘no correction of a child is justifiable which is unreasonable in kind or in degree according to the age, physical and mental condition of the child and no correction is justifiable if the child by reason of tender age or otherwise is incapable of understanding the purpose of the correction.’” **[27b]**

## CHILDCARE AND PROTECTION

24.13 Ghanaweb, in a report of 6 September 2010 called MOWAC Intensifies Efforts to Enforce Laws on Child Protection, stated:

“The Ministry of Women and Children’s Affairs (MOWAC) has intensified efforts to monitor and ensure strict enforcement of existing laws on child protection. It has pledged its commitment to deal with parents and guardians who failed in their responsibilities towards their children and wards. Hajia Hawawu Boya Gariba, Deputy Minister of MOWAC, who announced this therefore, charged the media to endeavour to monitor and expose people who abused the rights of children urging the media to operate without fear or favour. She was addressing the opening session of a two-day workshop on child rights issues for journalists in Accra.

“...Hajia Gariba said parents had roles to play to ensure the survival, growth and development of children, and noted that the situation of most children still remained critical due to the unique factors of their socio-economic, cultural, traditional and developmental circumstances. She said the increasing incidence of children fending for themselves and living on the streets, child abandonment, the plight of disabled children were indications of lack of adequate care and guidance for children in Ghana.

"These demonstrate that the duty-bearer of children, you and I are unable, or are simply refusing to fulfil our legal and moral obligation towards the Ghanaian child,' she added. The Deputy Minister noted that children continued to suffer because of lack of commitment on the part of relevant stakeholders to complement government's efforts towards the holistic development of children.

"... 'We would propose legislation to the effect that every children's home or orphanage in Ghana must have a CCTV to be supervised by the GJA,' she added.

"Mr Bright Appiah, Executive Director of Child's Right International, observed that Ghana had many laws on children but implementing those laws had become a problem. He said children who came into conflict with the law should not be branded as criminals and appealed to magistrates to be moderate and creative in how they judged juveniles. Mr Appiah deplored the current practice of putting youth and adults together in the country's overcrowded prisons noting that made them hardened juveniles. He indicated that between 1993 and 2003, 10,488 juveniles were detained in police cells and 2,164 imprisoned with adults, and in the absence of remand homes for children under 18 years, in some regions 377 children under 12 years were detained in police cells. 'This is against the law and must be condemned by all,' Mr Appiah added. Mr Ransford Tetteh, GJA President, challenged the media to acquire copies of the various legislations in order to become well vexed with issues when reporting on issues concerning children." [22h]

- 24.14 IRIN, in an article dated 27 May 2009, titled *West Africa: Protecting Children from Orphan Dealers*, reported:

"The recent rape of an eight-month-old boy in an orphanage in the Ghanaian capital Accra revealed conditions that child rights advocates say are rampant across West African orphanages. When the authorities investigated the incident they discovered 27 of the 32 children living in the home were not orphans.

"A January 2009 study by the Social Welfare Department – responsible for children's welfare and supervising orphanages – showed that up to 90 percent of the estimated 4,500 children in orphanages in Ghana are not orphans and 140 of the 148 orphanages around the country are un-licensed, said the department's assistant director Helena Obeng Asamoah.

"We are alarmed at the extent to which the orphanages have abused the country's child protection laws,' she told IRIN.

"Accra-based child protection specialist with the UN Children's Fund (UNICEF) Eric Okrah told IRIN: 'Running an orphanage in Ghana has become a business enterprise, a highly lucrative and profitable venture.'

"He added: 'Children's welfare at these orphanages has become secondary to the profit motive.'" [26e]

## EDUCATION

- 24.15 The USSD Report 2010 stated:

“The constitution provides for free, compulsory, and universal basic education for all children from kindergarten through junior high school; however, parents were required to purchase uniforms and writing materials. During the year the government launched a program to provide uniforms to 1.6 million children in deprived areas, although contracting delays prevented most of the targeted children from receiving their uniforms. The government also operated a school feeding program for more than 670,000 children, which covered incidental costs as well as meals, and a nationwide capitation grant program, which covered other school fees for all children attending public schools. According to the Ministry of Education, girls attending primary school during the 2009-10 school year constituted 48 percent of all students; at the junior high school level, the proportion was 47 percent. During the year the Ghana Education Service (GES) actively campaigned to expand education for girls by providing scholarships at the junior and senior high school levels and by offering financial incentives and free housing to female teachers to work in the ‘deprived’ areas. The GES placed girls’ education officers at regional and district levels, and there were community participation coordinators in every district office to mobilize communities to increase school enrollment of girls.”

**[1a](section 6)**

- 24.16 The UN Human Rights Council, in its *Summary prepared by the Office of the High Commissioner for Human Rights, in accordance with paragraph 15(c) of the Annex to Human Rights Council Resolution 5/1 - Ghana*, published 2 April 2008, noted:

“The CHRAJ reported that the constitutional guarantee for basic education in Ghana has not yet been realized in its totality. The Government’s introduction of the Capitation Grant scheme in the 2005/2006 academic year does not cover all the costs of education at the basic level. There are many children of school going age who do not attend school either as a result of unavailability of schools within easy reach, or as a result of parents’ inability to bear the extra cost. It is estimated that about 1.357 million children in Ghana were not in school as at December 2006. Meanwhile allegations are rife about the mismanagement, corruption and conflict of interest within the entity managing the school feeding program. The CHRAJ recommended that the Government urgently extend the school feeding program to cover every Ghanaian child and conduct an inquiry into the alleged mismanagement plaguing the program.” **[27b]**

- 24.17 The same report also stated:

“The Global Initiative to End All Corporal Punishment of Children (GIEACP) further noted that corporal punishment is lawful in schools. Pursuant to the Education Act (1961), the Ghana Education Code of Discipline for second cycle school provides for caning up to six strokes by a head teacher or person authorised by the head. As at 2006, the Teachers Handbook issued by the Ministry of Education stated that corporal punishment should be used as a last resort, and provided various alternative disciplinary measures.” **[27b]**

## HEALTH AND WELFARE

- 24.18 The USSD Report 2010 noted that “Citizenship is derived by birth within the country or parentage, but not all births were registered with the government. Some children were reportedly denied education because their births were not registered, although a birth certificate is not a legal precondition to attend school.” **[1a](section 6)**

- 24.19 A UNICEF report of 11 April 2012, ‘Growth in Accra outpaces development’, noted:

The main text of this COI Report contains the most up to date publicly available information as at 20 April 2012. Further brief information on recent events and reports has been provided in the Latest News section to 10 May 2012.

“Children living in poor urban areas of Accra do not enjoy many advantages of urban life, according to a Multiple Indicator Cluster Survey (MICS) report released today by the Institute of Statistical, Social and Economic Research (ISSER) in collaboration with UNICEF. The survey reports that, whilst urban children generally have better access to health care than their rural counterparts, they are less likely than children in Upper West and Upper East regions to sleep under a mosquito net. In addition, a serious type of malnutrition called wasting is more common in poor areas of Accra than in any of the three northern regions. And, a higher proportion of babies in these areas are born underweight than babies in Upper East or Northern Regions.

“While a larger percentage of poor children in Accra than in rural areas are attending school, too many of them are out of school or are left with no supervision. The MICS survey shows that 10% of children of primary school going age in the surveyed communities are out of school and that nearly 14 % of children were left alone or with other children, leaving them vulnerable to accidents.

“Living in an urban area does not guarantee poor children access to improved sanitation or clean water. The survey showed that only 11 per cent of households are using an improved sanitation facility, just as 12 per cent use improved facilities throughout the country. No urban advantage exists for children living in James Town or Bubuashie.”

**[73]**

- 24.20 A GhanaWeb article of 17 April 2012, ‘Lost childhood: Legions of Ghana’s children live on Accra’s streets as sex workers’, noted:

“Child labour is a commodity Ghana is producing in loads. The city of Accra is seeing a surge in the number of underage female children, some as young as 9-years-old, who – in the baking African sun – toil long hours in the streets of the national capital for little reward. Ghana has what campaigners call comprehensive laws in place to protect children and prohibits the use of underage workers, but they remain largely unenforced. As a result, the number of street children in Accra has ballooned from 21,000 in 2007 to more than 54,000 last year, according to figures from the Department of Social Welfare.

“...every morning, before daybreak, the streets of Central Accra are a carnival bursting with vendors setting up their wares for the day. Many of the city’s traders use underage workforce of head porters who haul traders’ weighty goods to shops and lorry stations in the capital for a nominal wage. For more than 15 hours per day, the small heads of these children, supported by their little legs and thin necks carry burdens destined for various households and markets in many parts of Ghana.

“...Although school is in session around the country, Zuwera and her young friends who have sworn to win the impossible battle against abject poverty by serving as head porters are not in school... Of the more than 40 underage girls who sat on the hard-packed soil on the pavement between the Railway station and the Merchant Bank Headquarters eating all kinds of early morning meals, including rice water, beans and porridge, none could neither speak nor write passable English.

“Many had fled to Accra from poverty ridden Northern Ghana villages to Accra. ‘Criminals and drug addicts mostly attack us and run off with our earnings. Some of my friends have been raped many times and subjected to severe beatings when they refused to surrender their monies to these criminals. We can’t even tell the police because the criminals will kill us’.

“...But, for many, carrying loads in the streets of Accra is often not their only means of survival. Investigations by The Globe revealed that at night, many of them serve as commercial sex workers in the city’s biggest slum, Sodom and Gomorrah and around the Kwame Nkrumah Circle.

“...The man given the task of fighting the problem of street children in Ghana, Stephen Adongo, head of the Social Welfare Department, said although his office has ‘very good policies aimed at addressing the problem, our main handicap is lack of funds. The last time, we took 50 children off streets in Greater Accra alone and sent them back to basic school. We were supported by an Italian NGO.’ He added that the department’s social workers have too much work and too little central government resources to adequately respond to the needs of street children, much less to stop the problem from continuing. ‘The resources are not significant,’ he said. ‘Most of our programs are suffering from serious underfunding. For this year for instance we have not yet received our releases. There are more than 54 thousand street children in Greater Accra alone. So we need every support we can get in order to help them. The rehabilitation program is there but our handicap is funds’.” [81]

- 24.21 An IRIN article of 23 September 2011, ‘Ghana: Efforts to reduce child labour on cocoa plantations beginning to pay off’, stated:

“Tens of thousands of children work on Ghana’s cocoa plantations - often doing hazardous tasks when they should be at school - but change is coming. Andrew Tagoe of the Ghana Agricultural Workers Union, speaking at a workshop organized by the International Labour Organization (ILO) earlier this year, said 186,000 children worked on Ghana’s cocoa farms. Apart from heavy lifting, they work with potentially dangerous chemicals or tools, are often unsupervised and are not given protective clothing. But the government says it is making progress and ‘rescued’ 6,100 children from cocoa farms in the past year and supported them to return to school.

“Efforts to curb child labour on cocoa farms began in 2001 with the Harkin-Engel Protocol - an agreement, signed by cocoa and chocolate companies, to source cocoa grown and processed according to ILO child labour standards. While progress was initially criticized as too slow, the government and NGOs say tangible success can now be seen in Ghana. A national programme for the elimination of the worst forms of child labour in cocoa production was launched in 2006, with results now apparent, according to Sam Atoquaye Quaye, Ghana’s child labour monitoring system coordinator with the programme. He said under this programme 12,000 children have been taken off cocoa farms, enrolled in school and provided with school supplies - over half of them in the last year. ‘Ghana is still not child labour free... But we have come far.’” [17c]

See section on [Women](#)

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## 25. TRAFFICKING

- 25.01 The United Nations Convention Against Torture, Concluding Observations of the Committee Against Torture, Ghana, published 15 June 2011, on the subject of trafficking, noted that:

“The Committee takes note of the adoption in 2005 of the Human Trafficking Act, and its 2009 amendment, which brought the definition of trafficking in line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. However, the Committee expresses its concern at persistent reports of internal and cross-border trafficking of women and children for the purpose of sexual exploitation or forced labour as, for example, domestic workers or head-load carriers (kayaye). The Committee is also concerned at the lack of statistics in the State party’s report on, inter alia, the number of prosecutions, convictions and sentences of perpetrators of trafficking, including for child labour, and the absence of practical measures taken to prevent and combat this phenomenon. It also notes with concern that there is no formal referral process to transfer victims in protective custody to other facilities.” **[77](page 8)**

25.02 The United States Department of State (USSD) Trafficking in Persons Report, 2011, Ghana, published 27 June 2011, stated:

“Ghana is a country of origin, transit, and destination for women and children subjected to forced labor and sex trafficking. The trafficking of Ghanaian citizens, particularly children, within the country is more common than the transnational trafficking of foreign migrants. This internal trafficking is characterized largely by the movement of children from rural to urban areas or from one rural area to another, such as from farming to fishing communities. Ghanaian boys and girls are subjected to conditions of forced labor within the country in fishing, domestic service, street hawking, begging, portering, and agriculture. Ghanaian girls, and to a lesser extent boys, are subjected to prostitution within Ghana. There were reports that Labadi Beach in Accra, as well as Cape Coast and Elmina, may be destinations for international child sex tourists. Ghanaian women and children are recruited and transported to Nigeria, Cote d'Ivoire, Burkina Faso, The Gambia, Russia, Syria, Lebanon, South Africa, the United States, and countries in Western Europe for forced labor and sex trafficking. Women and girls, voluntarily migrating from China, Nigeria, Cote d'Ivoire, Burkina Faso, Benin, and possibly Romania are subjected to commercial sexual exploitation after arriving in Ghana. Citizens from other West African countries and from Bangladesh are subjected to forced labor in Ghana in agriculture or domestic service.

“The Government of Ghana does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated an increased ability to collect data on trafficking victims identified and reported knowledge of 482 such victims in 2010. However, despite this substantial figure, it initiated only six prosecutions and obtained four convictions of trafficking offenders during the year – a decline in prosecution efforts from the previous year – and it failed to provide information on the number of trafficking victims that it referred to protective services. Despite the government’s recognition that the majority of trafficking occurred within the country, authorities only prosecuted two such cases of internal trafficking during the reporting period.” **[1d]**

25.03 The Enslavement Prevention Alliance of West Africa (EPAWA) published a report in November 2011, ‘Ghana’s Human Trafficking Report: Full Report on Successes and Shortcomings in Six Years of Implementation’, and this noted the main causes for human trafficking in the country:

“Human trafficking has taken root in Ghanaian culture for two primary reasons. First, throughout Ghana’s history parents have sent their children to live with extended family

members to strengthen familial ties and so the children can acquire skills or education. This practice has served as an internal social welfare mechanism, providing support to the children of family members that are economically less successful and thus buttressing the future upward mobility of the whole family. Second, an estimated 28.5 percent of Ghanaians live under the national poverty line, often causing them to seek occupational opportunities outside of their communities of origin and leaving them vulnerable to traffickers.

“As to the first of these causes, over time the extended family system has become abused; children are often exploited when they live with relatives and do not receive treatment similar to the relatives’ own children. Not only blood relations, but also community members or even people who pretend to be relatives of community members, ‘befriend’ parents to take advantage of the extended family system to traffic children. Due to the historically prevalent nature of this system, parents often trust their children will be treated well and do not realize their children will be exploited. The tradition explains why so many parents are willing to send their children with traffickers; most parents are unaware that this can amount to human trafficking and see it as an accepted cultural practice. Moreover, some parents think the practice is normal since they experienced the same practice as children themselves. Many parents also continue to believe that sending children to live with relatives or community members will improve the children’s lives even if the children are made to work.” [56]

25.04 The same EPAWA report continued:

“...several explanations [were given] for the current abuse of the extended family system. First, Ghanaians are more interested in economic gain since the Ghanaian economy transitioned from a self-providing agricultural economy to a more financial economy. Second, poverty levels have risen, while traditional family values have eroded. Third, Ghana has experienced urbanization. Fourth, domestic and cross-border travel has become more accessible to the general population. While these factors may not be unique to Ghana, their combined existence appears to impact Ghana’s extended family system negatively. As to the second major cause of human trafficking, poverty, the majority of trafficked children seem to originate from the poorer areas of Ghana in the North, the Volta Region in the South, and Sekondi-Takoradi in the West. Children are sold or indentured to traffickers by parents for less than USD \$75. Because the remuneration is generally small, the relief the money brings is temporary. Consequently, parents will often re-traffic their children or traffic other children in order to receive more money. Additionally, the traffickers are similarly poor and will lose their “investment” if the child is rescued.” [56]

25.05 With regard to prosecution, the USSD Trafficking in Persons report continued:

“The Government of Ghana demonstrated some progress in its anti-trafficking law enforcement efforts by increasing its structural capacity to combat trafficking, though it demonstrated decreased efforts to prosecute and convict trafficking offenders during the reporting period. Its six prosecutions and four convictions marked a significant decrease from the 15 prosecutions and six convictions reported during the previous year. The government prosecuted only two cases of trafficking that occurred within the country and one of the four convicted traffickers received only a \$350 fine. Ghana’s 2005 Human Trafficking Act (HTA) – amended in 2009 to align the definition of trafficking with the 2000 UN TIP Protocol – prohibits all forms of trafficking and prescribes penalties of five to 20 years’ imprisonment for all trafficking crimes. These penalties are sufficiently

stringent and commensurate with penalties prescribed for other serious crimes, such as rape. In 2010, with the support of an international organization, the GPS added four new regional AHTUs in its Criminal Investigation Division and the GIS opened two new anti-trafficking desks on the borders with Togo and Cote d'Ivoire. In September 2010, the parliament passed an act renaming the Serious Fraud Office the Economic and Organized Crime Office (EOCO), and expanding its mandate to include the investigation and prosecution of human trafficking cases; it did not clearly define a division of responsibilities, however, between this body and the AHTU. The AHTU reported insufficient funding and a lack of transportation or fuel constrained its ability to conduct investigations during the year.

“The government prosecuted six cases and obtained convictions of four trafficking offenders in 2010. Three different agencies identified cases during the year. The GIS identified two cases during the year; one of these, in which five Chinese women are suspected to be victims of sex trafficking, is currently being prosecuted, and the other did not lead to an arrest. The AHTU reported knowledge of 46 suspected trafficking cases between January 2010 and March 2011, but did not specify how many occurred during the reporting year; it completed 23 investigations, conducted six prosecutions, and obtained four convictions, with sentences ranging from a \$350 fine to 10 years' imprisonment. Prosecutors chose not to pursue two cases, and 17 others were dismissed due to lack of evidence or lack of victim assistance. One case resulting in a conviction involved a Nigerian woman forced into prostitution in Ghana, and one involved Ghanaian boys transported to Nigeria for forced labor. In January, a Nigerian man was convicted for transporting a 15-year-old girl from the Volta Region to the Central Region for the purpose of prostitution. He was sentenced to 10 years' imprisonment and an approximately \$330 fine. In March 2011, a court in the Brong Ahafo Region convicted a woman and sentenced her to seven years' imprisonment for transporting a 14-year old girl to Accra, the capital, and subjecting her to prostitution. The prosecution of one case, involving three suspects in the alleged transportation of 10 Ghanaian girls to Nigeria for forced labor and commercial sexual exploitation, remained pending at the close of the reporting period. The EOCO reported it was conducting investigations of two trafficking cases involving 40 victims; 17 additional cases remain under investigation with the AHTU. The government reported it provided anti-trafficking training to 40 new GIS officers as part of their compulsory curriculum during the year, and that it provided anti-trafficking sensitization training to 60 officers in November 2010. There were no reports of government officials investigated, prosecuted, or convicted for trafficking or trafficking-related criminal activities during the reporting period.” [1d]

25.06 The same USSD report assessed the level of protection offered by the Ghanaian government as follows:

“The government sustained modest victim protection efforts during the year. Government funding to protect trafficking victims was inadequate; law enforcement officials reported using their personal funds to assist victims, as no funds for victim protection were included in their agencies' budgets. The government failed to provide information on the amount of funding it allocated to other agencies to protect victims, but an international organization reported that the Ministries of Women and Children's Affairs (MOWAC) and Employment and Social Welfare were among the ministries that received decreased budget allocations in 2010 compared with 2009 and in practice received less funding than the allocation specified. The government did not employ

formal procedures to identify victims among vulnerable groups, such as women in prostitution or children at work sites; border officials questioned large groups suspected to include trafficking victims, and reportedly identified five victims during the year. The AHTU, the EOCO, and the GIS identified 482 victims, and referred an unknown number of these victims on an *ad hoc* basis to government and NGO-run facilities to receive protective care.

“The government did not operate specialized care facilities for trafficking victims; it provided shelter and basic medical services to an unknown number of victims in orphanages and centers for abused children operated by the Department of Social Welfare, and NGOs operated shelters that could provide victims with long-term care and psychological services. The government paid the salaries of approximately 13 employees in two shelters run by international organizations in the Greater Accra Region, one of which opened during the reporting year. Although adult victims could theoretically be admitted to these facilities, none were admitted during the year, though the government reportedly placed some adult victims in hotels and hostels for an unknown length of time. MOWAC, with funding from an international organization, is reportedly working on the development of a formal system for referring trafficking victims to protective facilities to receive care, but did not appear to make significant progress on this initiative during the year. The government did not allocate funding to the Human Trafficking Fund, which was established to provide economic resources to assist victims in their rehabilitation. The government encouraged victims to assist in the investigation and prosecution of traffickers, and provided them with protective escorts and legal counsel, but cases were often dismissed when victims did not participate in prosecutions. According to the AHTU, victims’ and witnesses’ statements were taken behind closed doors and trafficking cases were held in closed court to ensure victims’ safety and conceal their identities. Foreign victims were able to remain in the country legally during the investigation and prosecution of their cases and, with the interior minister’s approval, a trafficking victim may remain permanently in Ghana if it is deemed to be in the victim’s best interest; no victims were granted such residency during the year. The government may have treated trafficking victims as criminals when, in February 2011, police conducted a raid on a brothel and arrested 14 women suspected to be in prostitution, without taking efforts to identify trafficking victims among them.”

**[1d]**

25.07 On the subject of prevention, the same USSD report noted:

“During the year, the government sustained its efforts to prevent trafficking. With support from an international organization, it conducted awareness campaigns – for example, a radio program warning of the dangers of child trafficking – in six regions throughout the country, including the Upper East, Eastern, and Greater Accra regions, which are source communities for children forced to work in the fishing industry surrounding Lake Volta. The inter-agency Human Trafficking Management Board met quarterly, and in August 2010, MOWAC, with support from an international organization, held a two-day information-sharing forum for NGO and government representatives in an effort to improve coordination among anti-trafficking stakeholders. In October 2010, the cabinet endorsed and adopted a National Plan of Action to Eliminate the Worst Forms of Child Labor, which provides the framework for the Ghana Child Labor Monitoring System, a tool launched by the Ministry of Employment and Social Work during the year, to identify and monitor children in the worst forms of child labor, including trafficked children. The National Plan of Action against Trafficking, drafted in

2006, remained unimplemented. The government raided a brothel in February 2011 and made 77 arrests of suspected clients, including the owner and individuals soliciting prostitution. It is unknown whether the brothel remained closed or if the proprietor was prosecuted for any criminal acts during the year. The Government took no discernible measures to decrease the demand for forced labor. In addition, officials have not investigated reports of child sex tourism. The government took steps to establish the identity of local populations through completion of a 2010 population census. The government did not provide anti-trafficking training to Ghanaian troops prior to their deployment abroad on peacekeeping missions, though such training was provided by foreign donors. Ghana is not a party to the 2000 UN TIP Protocol.” [1d]

- 25.08 The Enslavement Prevention Alliance of West Africa (EPAWA) report in November 2011, ‘Ghana’s Human Trafficking Report: Full Report on Successes and Shortcomings in Six Years of Implementation’ included information in the annexes of the report on both Prevention and Victim Protection Initiatives from Government Entities in Ghana (annex III) and NGOs (annex IV), for further information refer to the source: [http://www.epawa.org/pdfs/reports/Ghana\\_Human\\_Trafficking\\_Act-Report\\_Annexes.pdf](http://www.epawa.org/pdfs/reports/Ghana_Human_Trafficking_Act-Report_Annexes.pdf) [56]

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## 26. MEDICAL ISSUES

### OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

- 26.01 The World Health Organisation (WHO) Country Cooperation Strategy (2008-11), Ghana page, August 2009, stated:

“The private and the NGO sectors including the Christian Health Association of Ghana provide over 40 percent of health care in Ghana, especially in the rural areas. In 2005, Ghana introduced the National Health Insurance Scheme (NHIS) to improve financial accessibility to healthcare. The NHIS is administered peripherally through District Wide Health Mutual Insurance Schemes (DWHIS). The Scheme is tax-based and covers most services offered at the district hospital level. Despite a number of constraints, it has registered over 50% of Ghana’s population. In 2008 free maternal care was included in the range of service covered by the NHIS.” [38]

- 26.02 The International Organisation for Migration (IOM) report, Returning to Ghana – Country Information, updated 7 April 2010, noted:

“At the moment, Ghana has 1,433 state-owned hospitals and other medical institutions. In addition there are 1,299 private and quasi-government facilities. Private hospitals range from general hospitals to specialised facilities, offering services like assisted reproductive techniques and general obstetrics and gynaecology. Public and private medical facilities have a total bed capacity of 20,126.

“In spite of the medical infrastructure and personnel that has been established in Ghana, access to health services in geographical and financial terms continues to be a major hurdle for a large part of the population. Most of the medical facilities are located in the urban centres and district capitals. Many health workers refuse appointments to the few facilities that are in the rural areas. Another factor contributing to the inadequate

and unbalanced access to health care is the exodus of doctors and nurses to developed countries.” [39]

- 26.03 The Austrian Centre for Country of Origin & Asylum Research and Documentation (ACCORD) compilation report, ‘Health Care in Ghana’, dated March 2009, noted:

“For a population of a little short of 23.5 million people, there are only 1,439 health care facilities... A study by van den Boom et al. compiled in 2004 noted that access to these facilities remained a problem: Medical facilities were not evenly distributed across the country, with most rural areas lacking basic facilities such as hospitals and clinics as well as doctors and nurses. The study further said that ‘Ghanaians on average live about 16 km from a healthcare facility where they can consult a doctor, but half of the population lives within a 5 km radius. By the same token, the other half cannot consult a doctor within 5 km, which corresponds to a 1 hour walking distance, and one quarter even lives more than 15 km from a facility where a doctor can be consulted.’ The Government of Ghana embarked on a health sector reform in the early 1990s to improve the accessibility and quality of services. However, ‘the health situation in Ghana is still far from satisfactory.’ Many people in the country still rely on self-medication.” [40]

- 26.04 The website of the National Drug Information Resource Centre for Ghana recorded: “[The] Essential Medicines List (EML) for Ghana is part of the Ministry of Health’s continual effort to rationalise the use and management of drugs in the country. The Essential Medicines are those that satisfy the priority health care needs of the population and are selected with due regard to public health relevance, evidence on efficacy and safety, and comparative cost-effectiveness.” [41] The list can be accessed via the following link:

<http://www.ghanadruginformation.org/GHANA%20ESSENTIAL%20MEDICINES%20LIST%202004.pdf> [41]

## HIV/AIDS – ANTI-RETROVIRAL TREATMENT

- 26.05 The Ghana AIDS Commission listed ART (Anti-Retroviral Treatment) Clinics in the ten regions/districts of Ghana, in addition to a listing for private clinics. For further information refer to the source link: <http://www.ghanaims.gov.gh/gac/hivservices/art.php>. [70]
- 26.06 An article in the Chronicle of 15 February 2012, ‘Governor Throws Lifeline to HIV/AIDS Patients’, stated that “The Government has made funds available for the provision of anti-retroviral treatment to about 20,000 new HIV/AIDS cases this year, the Director General of the Ghana AIDS Commission, Dr. Angela el Adas has announced in Kumasi.” [32d]
- 26.07 An Afrique en ligne article of 2 December 2011, Health: Ghana recommits to war on HIV/AIDS, noted:

“Ghana has recommitted itself to the war against HIV/AIDS, with Vice President John Dramani Mahama announcing that 150 million Ghana cedis (about US\$94 million) would be made available to ensure the reduction of infections from 2011 to 2015. The money would be used for campaign and education programmes, rehabilitation of persons living with HIV/AIDS and other sustainable programmes on the disease, he

said at Obuasi in central Ghana, during the 2011 World AIDS Day commemoration on Thursday... About 22,000 patients have been on anti-retroviral drugs in the country since 2003.” [69]

26.08 Information obtained from MedCOI (medical advisors in the country of origin via the Dutch Ministry of Interior and Immigration Service) in November 2011 indicated that the following antiretroviral medications were available in Ghana at the time:

- Zidovudine; Lamivudine; Abacavir; Tenofovir; Didanosine; Stavudine;
- Zidovudine + Lamivudine = Combivir;
- Efavirenz + Emtricitabine + Tenofovir = Atripla (available on special request from a private importer);
- Abacavir + Lamivudine = Epzicom (available on special request from a private importer);
- Abacavir + Zidovudine + Lamivudine = Trizivir (available on special request from a private importer);
- Tenofovir + Emtricitabine = Truvada (available on special request from a private importer);
- Efavirenz; Nevirapine;
- Indinavir; Lopinavir/Ritonavir = Kaletra. [86] Reference for this enquiry: GH-2062-2011

## CANCER TREATMENT

26.09 An article in Vibe Ghana of 12 February 2012, ‘Ghana Health Service advocates funding for cancer treatment’, noted:

“Dr Billy Bosu, Programme Manager of Non-Communicable Diseases, Ghana Health Service (GHS), on Friday called for increased political will to fund the prevention and treatment of cancers in Ghana. He said although the National Health Insurance Scheme (NHIS), covered aspects of cancer treatment, patients had to pay for uncovered aspects, which involve huge sums of monies for treatment and care. Dr Bosu said that most patients who could not afford such amounts abandoned treatment halfway... Dr Bosu stressed the need for intensified public education on the disease, which had assumed a relatively higher burden in the country compared to the past.

“...Professor Joe Nat Clegg-Lamprey, Head of Department of Surgery, Korle-Bu Teaching Hospital (KBTH), who spoke on breast cancer,... said though treatment was available in Ghana and covered partially under the NHIS, there were limited service facilities to deal with the increasing cases and ‘Currently there are only two cancer treatment centres, one at the Okomfo Anokye Teaching Hospital and the other at the KBTH’.

“...Dr Sylvia Deganus, a Gynecologist at Tema General Hospital, speaking on the burden of cervical cancer,... said although there existed a national policy on cancer, Ghana had not done well in the area of cervical cancer prevention and treatment as alternative forms of cervical cancer treatment such as the HPV vaccine, which were given on private request were very expensive for patients to afford, which the two main cancer treatment centres discouraged people in remote areas of the country from accessing such facilities.

“Dr Alexandra Osafo, a Pediatrician at KBTH, reiterated the need for expanded support for childhood cancers,... [and] called on local pharmaceutical companies to consider the concentration of cancer drugs in smaller volumes for children to make them much affordable.” [59b]

- 26.10 The Africa Oxford Cancer Foundation noted on its website, undated, accessed on?, that “The four most common cancers in Ghana are liver, prostate, breast and cervical. At present, Ghana has only two oncology centres, one in the capital Accra and one in Kumasi. There are only 4 oncologists in the country and no specialist cancer nurses.” [83]

## KIDNEY DIALYSIS

- 26.11 A Journalists for Human Rights International article of 9 March 2012, ‘Kidney disease: a ‘silent killer’ in Ghana’, noted that:

“Korle-Bu...hospital has 18 dialysis machines... In addition to Korle-Bu, Ghana has one other kidney centre at Komfo Anokye Teaching Hospital in Kumasi. A local charity called the Christian Council of Ghana is raising funds to build a third kidney centre at 37 Military Hospital in Accra...Ghana’s National Health Insurance Scheme does not cover renal replacement therapy for patients who have chronic kidney disease. The government says the treatment is too expensive and would put too great a toll on the system.” [71]

## MENTAL HEALTH

- 26.12 An Inter Press Service News Agency article of 13 February 2012, ‘Need to Recognise Mental Illness as a Health Concern’, noted:

“It is estimated that 98 percent of Ghanaians with mental illnesses never receive treatment. There are only three mental health facilities in the country, all located in the more populated south. In the poorer north there are no mental health services at all. There are more than 24 million people in Ghana but only 12 psychiatrists. Ghana spends about one percent of its annual healthcare budget on mental health. Mental health practitioners estimate that as much as 10 percent of the population suffers from a mental illness of some kind. Dr. Akwasi Osei, director of the Accra Psychiatric Hospital, the largest facility of its kind in Ghana, has said that at least seven percent of Ghana’s total healthcare budget should be set aside for mental health. ‘Our system for mental healthcare is quite poor,’ said Osei. Accra Psychiatric Hospital currently has 800 patients but only 500 beds. In the men’s ward patients are strewn about the floor of an open courtyard. Most are in a groggy state, thanks to their medication, and ask for better food or for a way out. Some said they get visits from family members but many others have been abandoned by their kin. Osei said mental illness is not a priority in Ghana because of the stigma associated with it. That stigma manifests itself in three ways: against the condition itself, the patient and the mental health practitioner.” [42a]

- 26.13 The United Nations Convention Against Torture, Concluding Observations of the Committee Against Torture, Ghana, published 15 June 2011, on the subject of the conditions of detention, noted that:

“The Committee is concerned at reports about the inadequate treatment of mental health patients and poor living conditions in psychiatric institutions, in particular at Accra

Psychiatric Hospital. The Committee notes with concern the reports of severe overcrowding, lack of qualified staff and poor material and hygienic conditions in this psychiatric facility. It is also deeply concerned at the situation of persons admitted by reason of a court order, who have allegedly been abandoned for years. In this regard, the Committee notes with interest the information provided by the State party's delegation on existing proposals for expanding mental health facilities in the country, and on the draft mental health bill before Parliament, which would include an individual complaint system. The Committee is seriously concerned at reports regarding persons remaining in hospital long after they should have been discharged, for lack of appropriate after-care or alternative and secure settings. It takes note of the explanation given by the delegation that efforts to reintegrate persons declared fit faced a number of obstacles, including social stigma, but points out that this can never be held as a reason for not initiating alternative care facilities after hospitalization." **[77](pages 5 and 6)**

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## 27. FREEDOM OF MOVEMENT

27.01 The United States State Department Report on Human Rights Practices 2010, released 8 April 2011, noted that

"The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern." **[1a](section 2d)**

27.02 The Social Institutions and Gender Index, on its Ghana page, accessed 18 April 2012, noted, "There is no indication that women in Ghana face any legal restrictions in relation to freedom of movement." **[51]**

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## 28. INTERNALLY DISPLACED PERSONS (IDPs)

28.01 A Brookings Institute report dated January 2012, 'Internal Displacement in West Africa: A Snapshot', noted that: "Conflict-induced displacement in ECOWAS Member States has featured complex flight patterns, with affected populations displaced internally as well as across borders. In many cases internal displacement occurred due to civil war or large-scale violence in the 1980s, 1990s and the early to mid-2000s—as is the case in Côte d'Ivoire, Ghana, Guinea-Bissau, Liberia and Sierra Leone" **[29]** The same source further commented with regard to Ghana specifically: "... a resurgence of violence in Ghana in recent years has resulted in both internal and external displacement. A series of large-scale inter-communal conflicts have occurred primarily in the Northern Region in Ghana, including over issues around the chieftancy. UNHCR last reported a total IDP figure for Ghana in 2003, when there were over 174,000 IDPs of concern to the agency and an unknown number have been displaced in recurrent conflicts since then." **[29]**

28.02 However referring to the UNHCR website, 'Ghana: 2012 Regional Operations Profile – West Africa', according to a statistical snapshot, residing in Ghana as at January 2011,

there were no internally displaced persons (IDPs) recorded with UNHCR and no returned IDPs. For further information refer direct to the source:

<http://www.unhcr.org/cgi-bin/texis/vtx/page?page=4a03e2f76> [84]

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## 29. FOREIGN REFUGEES

29.01 The United States State Department Report on Human Rights Practices 2010, released 8 April 2011, stated:

“The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

“The government established the Ghana Refugee Board (GRB) to adjudicate claims for refugee status and to ensure that refugees received all appropriate protections; the UNHCR participated as an observer on the board. Following the January 2009 presidential election, the incoming administration appointed new board members. However, because the government had not appointed a GRB board chairman by year's end, the board was unable to function. While the GRB secretariat continued some functions such as conducting refugee interviews, there were no board meetings to adjudicate claims or to confer refugee status during the year.

“The law allows rejected asylum seekers to appeal and to remain in the country until an appeal is adjudicated. There were delays in the appeal process, however. The law also accords the right of protection to refugees who entered the country illegally without documentation.

“Refugee status for Sierra Leoneans who fled during that country's civil war was terminated as of the end of 2008 in accordance with international agreements. In December 2008 the GRB and UNHCR conducted interviews to determine if any of the Sierra Leoneans remaining in the country qualified as refugees based on an individual need for international protection. Of the 135 individuals who went through the process, 65 were rejected; of these rejections, 51 subsequently filed appeals with the interior minister. During the year 15 of the appeal cases had been granted exemption, qualifying the 15 as refugees.

“The UNHCR estimated that approximately 14,800 refugees resided in the country during the year: 81 percent were Liberians in the Buduburam Camp near Accra; 12 percent were Togolese in various communities in the Volta Region; 3.5 percent were refugees of various nationalities in Krisan Camp in the Western Region; and 3.5 percent were urban refugees and asylum seekers in the Greater Accra Region. Since 2008 the UNHCR has assisted the voluntary return of nearly 10,000 Liberians and 4,383 Togolese refugees. Sexual and gender-based violence remained a problem among refugee populations. In the Buduburam settlement, three cases of defilement, one case of child abduction, and one case of child abuse were reported to the UNHCR and police during the year. With the support of the UNHCR, police opened a police post in the settlement in July 2009.

“Refugees had freedom of movement within the country and were not required to carry identification at all times. Refugees were allowed to apply for work permits through the same process applicable to other foreigners. However, work permits generally were issued only for employment in the formal sector, and the majority of refugees worked in the informal sector. Refugee children had access to public primary schools. Refugees in Krisan Camp, the Buduburam Settlement, and the Volta Region were enrolled in the national health insurance system with funding from the UNHCR. Urban refugees had access to health care on a fee-for-service basis.” [1a](section 2d)

29.02 A Ghana News Network article of 12 April 2012, ‘2300 Liberians To Legalise Stay in Ghana’, noted:

“Over 2,000 Liberian refugees in Ghana have indicated their willingness to remain legal residents of the country. The Ghana Refugee Board (GRB) and the United Nations High Commission for Refugees (UNHCR) have consequently registered 2,300 who want to legalise their stay in Ghana. The registration followed an ultimatum given to the refugees by the UNHCR and the GRB in February this year, to decide whether or not to voluntarily return to their country of origin or legalise their stay in Ghana before March 30, 2012. The action was informed by the decision of the international community to invoke the cessation clauses built into the 1951 UN Refugee Convention for Liberian, Angolan, Rwandan, and Burundian refugees in Africa. The cessation clauses allow refugee status to end once fundamental and durable changes have taken place in the country of origin and the circumstances that led to refugee flight no longer exist.” [61]

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### 30. CITIZENSHIP AND NATIONALITY

30.01 Chapter three of the Constitution of Ghana (1992), accessed 16 March 2012, stated:

“6(1) Every person who, on the coming into force of this Constitution, is a citizen of Ghana by law shall continue to be a citizen of Ghana.

“(2) Subject to the provisions of this Constitution, a person born in or outside Ghana after the coming into force of this Constitution, shall become a citizen of Ghana at the date of his birth if either of his parents or grandparents is or was a citizen of Ghana.

“(3) A child of not more than seven years of age found in Ghana whose parents are not known shall be presumed to be a citizen of Ghana by birth.

“(4) A child of not more than sixteen years of age neither of whose parents is a citizen of Ghana who is adopted by a citizen of Ghana shall, by virtue of the adoption, be a citizen of Ghana.”

“7(1) A woman married to a man who is a citizen of Ghana or a man married to a woman who is a citizen of Ghana may, upon making an application in the manner prescribed by Parliament, be registered as a citizen of Ghana.

“(2) Clause (1) of this article applies also to a person who was married to a person who, but for his or her death, would have continued to be a citizen of Ghana under clause (1) of article 6 of this Constitution.

“(3) Where the marriage of a woman is annulled after she has been registered as a citizen of Ghana under clause (1) of this article, she shall, unless she renounces that citizenship, continue to be a citizen of Ghana.

“(4) Any child of a marriage of a woman registered as a citizen of Ghana under clause (1) of this article to which clause (3) of this article applies, shall continue to be a citizen of Ghana unless he renounces that citizenship.

“(5) Where upon an application by a man for registration under clause (1) of this article, it appears to the authority responsible for the registration that a marriage has been entered into primarily with a view to obtaining the registration, the authority may request the applicant to satisfy him that the marriage was entered into in good faith; and the authority may only effect the registration upon being so satisfied.

“(6) In the case of a man seeking registration, clause (1) of this article applies only if the applicant permanently resides in Ghana.

“8(1) Subject to this article, a citizen of Ghana shall cease forthwith to be a citizen of Ghana if, on attaining the age of twenty-one years, he, by a voluntary act, other than marriage, acquired or retains the citizenship of a country other than Ghana.

“(2) A person who becomes a citizen of Ghana by registration and immediately after the day on which he becomes a citizen of Ghana is also a citizen of some other country, shall cease to be a citizen of Ghana unless he has renounced his citizenship of that other country, taken the oath of allegiance specified in the Second Schedule to this Constitution and made and registered such declaration of his intentions concerning residence as may be prescribed by law, or unless he has obtained an extension of time for taking those steps and the extended period has not expired.

“(3) A Ghanaian citizen who loses his Ghanaian citizenship as a result of the acquisition or possession of the citizenship of a country other than Ghana shall, on the renunciation of his citizenship of that other country, become a citizen of Ghana.

“(4) Where the law of a country, other than Ghana, requires a person who marries a citizen of that country to renounce the citizenship of his own country by virtue of that marriage, a citizen of Ghana who is deprived of his citizenship of Ghana by virtue of that marriage shall, on the dissolution of that marriage, if he thereby loses his citizenship acquired by that marriage, become a citizen of Ghana.

“9(1) Parliamentary may make provision for the acquisition of citizenship of Ghana by persons who are not eligible to become citizens of Ghana under the provision of this Constitution.

“(2) Except as otherwise provided in article 7 of this Constitution, a person shall not be registered as a citizen of Ghana unless at the time of his application for registration he is able to speak and understand an indigenous language of Ghana.

“(3) The High Court may, on an application made for the purpose by the Attorney-General, deprive a person who is a citizen of Ghana, otherwise than by birth, of that citizenship on the ground.

“(a) that the activities of that person are inimical of the security of the State or prejudicial to public morality or the public interest; or

“(b) that the citizenship was acquired by fraud, misrepresentation or any other improper or irregular practice.

“(4) There shall be published in the Gazette by the appropriate authority and within three months after the application or the registration, as the case may be, the name, particulars and other details of a person who, under this article applies to be registered as a citizen of Ghana or has been registered as a citizen of Ghana.

“(5) Parliament may make provision for the renunciation by any person of his citizenship of Ghana.

“10(1) A reference in this Chapter to the citizenship of the parent of a person at the time of the birth of that person shall, in relation to a person born after the death of the parent, be construed as a reference to the citizenship of the parent at the time of the parent's death.

“(2) For the purposes of clause (1) of this article, where the death occurred before the coming into force of this Constitution, the citizenship that the parent would have had if he or she had died on the coming into force of this Constitution shall be deemed to be his or her citizenship at the time of his or her death.” **[50b]**

30.02 Further information on this subject can be gained from the Open Society Foundation publication, *Citizenship Law in Africa*, November 2010

[http://www.soros.org/initiatives/justice/articles\\_publications/publications/citizenship\\_20091009/citizenship-africa\\_20101118.pdf](http://www.soros.org/initiatives/justice/articles_publications/publications/citizenship_20091009/citizenship-africa_20101118.pdf)

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## 31. FORGED AND FRAUDULENTLY OBTAINED OFFICIAL DOCUMENTS

31.01 The Government of Ghana Portal undated report, ‘Biometric Passport Project Launched’, noted:

“The biometric passport has enhanced security features linking the holder to the passport. Processed from paper made of wood and pulp, the biometric passport has an Economic Community of West African States (ECOWAS) logo on its front cover with the national-coat-of-arms embossed at the back cover page. ... Security inspirational features include all Ghanaians adinkra designs with the Presidency, state sword, parliament house for the legislature and the Supreme Court building for the judiciary. The coat-of-arms in watermarks and other visible and invisible marks on every page foil attempts for forgery on a large-scale.

“...Since the attainment of political independence on March 6, 1957, the issues of acquisition of passport have embarrassed succeeding governments and people over the decades. Although the problems have been ameliorated with the passage of the

years, yet critical examination of passports at entry and exit points still culminate in the detection of fake passports of various dimensions. For instance, somebody's picture embossed on data of another person; completely forged passport done in an unauthorised premises other than the state agency responsible for issuance; a national of another country who has not naturalised, possessing a Ghanaian Passport, or very close relatives or siblings who look very much alike, using each other's passport or multiple passports, among other fraudulent modes of passport acquisition.

"...The ease with which birth certificates are issued, enable nationals of other nations to acquire Ghanaian passports." **[57b]**

31.02 The US State Department Country Reciprocity Schedule for Ghana, on the subject of birth certificates, noted that: "The majority of registrations are not made at the time of birth, and often no registration is made until an individual requires a birth certificate for immigration purposes. Registrations not made within one year of an individual's birth are not reliable evidence of relationship, since registration, including late registration, may often be accomplished upon demand, with little or no supporting documentation required." **[1]**

31.03 An article in the Chronicle of 20 December 2011, 'Ghana: Immigration not Avenue for Corruption-Kobby Acheampong', noted:

"The Ghana Immigration Service is not an avenue for corruption, and anyone desirous of joining the Service to enrich himself or herself overnight, should repent now, or forget it, Deputy Minister for the Interior, Kwabena Acheampong, has warned...Mr. Acheampong urged the new recruits to use the knowledge and skills acquired to protect the country's various entry points, since the West Africa sub-region had been bedeviled with issues of irregular migration, border insecurity, wars and civil strike, smuggling of small arms, human trafficking, and the abuse of women and children. The aforementioned problems, Mr. Acheampong noted, had multiple dimensions with corresponding negative consequences on society. 'Fraud and irregular migration and other criminal activities are perpetrated by individuals, mostly with fraudulent documents...'" **[32b]**

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## 32. EXIT AND RETURN

32.01 The Constitution of Ghana, Chapter Five: Fundamental Human Rights and Freedoms, paragraph 21(1)(g), stated, "[All persons shall have the right to] freedom of movement which means the right to move freely in Ghana, the right to leave and to enter Ghana and immunity from expulsion from Ghana." **[50a]**

32.02 The United States State Department Report on Human Rights Practices 2010, released 8 April 2011, noted that "The [Ghanaian] government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern." **[1a](section 2d)**

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### 33. EMPLOYMENT RIGHTS

33.01 The International Trade Union Confederation Annual Survey of Violations of Trade Union Rights 2011, published June 2011, observed:

“Although the Labour Act has been brought more into line with international labour standards, problematic areas remain...the Emergency Powers Act 1994 is still in force, and grants the authorities extensive powers to suspend any law and prohibit public meetings and processions. Many categories of workers are also excluded from the Labour Act, including managerial workers, the definition of whom is very broad. If there are multiple unions at a workplace, the ‘chief labour officer’ has discretionary powers to decide which union will be awarded the collective bargaining ‘certificate’ needed to negotiate with the employer. Albeit the right to strike is guaranteed in the Labour Act, it can be limited in private enterprises if the workers’ services are deemed essential to the enterprise’s survival, and in essential services... Many employers have a policy of zero tolerance for trade unions. Workers who attempt to form or join a trade union are intimidated and dismissed. Some employers include anti-union clauses in their employment contracts.” **[62]**

33.02 The United States State Department Report on Human Rights Practices 2010, released 8 April 2011, noted that “The law sets the minimum employment age at 15 years and 13 years for light work not likely to be harmful to the child or to affect the child’s attendance at or capacity to benefit from school. The law prohibits night work and certain types of hazardous labor for those under 18, and provides for fines and imprisonment for violators; however, child labor remained a serious problem in the informal sector.” **[1a](section 7d)**

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## Annex A

### CHRONOLOGY OF MAJOR EVENTS

The following is taken from the BBC Timeline: Ghana, updated 17 January 2012. [25b]

#### YEAR

- 1957            March: Ghana becomes independent with Kwame Nkrumah as prime minister.
- 1960            Ghana proclaimed a republic; Nkrumah elected president.
- 1964            Ghana becomes a one-party state.
- 1966            Nkrumah overthrown in military coup; Russian and Chinese technicians expelled.
- 1969            New constitution facilitates transfer of power to civilian government led by Kofi Busia.
- 1972            Busia ousted in military coup led by Colonel Ignatius Acheampong.
- 1978            Acheampong forced to resign; General Frederick Akuffo takes over.
- 1979            Akuffo deposed in coup led by Flight Lieutenant Jerry Rawlings. Acheampong and Akuffo tried and executed on charges of corruption.
- 1979            September: Rawlings hands over power to an elected president, Hilla Limann.
- 1981            Limann ousted in military coup led by Rawlings after two years of weak government and economic stagnation.
- 1983            Rawlings adopts conservative economic policies, abolishing subsidies and price controls, privatising many state enterprises and devaluing the currency.
- 1992            Referendum approves new constitution introducing a multiparty system. Rawlings elected president.
- 1994            One thousand people are killed and a further 150,000 are displaced in the Northern Region following ethnic clashes between the Konkomba and the Nanumba over land ownership.
- 1994            June: Seven ethnic groups involved in violence in Northern Region sign peace agreement.
- 1995            Government imposes curfew in Northern Region as renewed ethnic violence results in a further 100 deaths.
- 1996            Jerry Rawlings re-elected president.

- 2000 December: John Kufuor beats Vice-President John Atta Mills in the presidential election.
- 2001 February: Petrol prices rise by 60% following the government's decision to remove fuel subsidies.
- 2001 April: Ghana accepts debt relief under a scheme designed by the World Bank and the IMF.
- 2001 May: National day of mourning after football stadium stampede leaves 126 dead. Inquiry blames police for overreacting to crowd trouble.
- 2001 June: Government scraps public holiday celebrating Rawling's military coup in an effort to wipe out the legacy of his rule.
- 2001 June: Floods hit Accra, causing 10 deaths and forcing 100,000 to flee their homes.
- 2002 April: State of emergency is declared in the north after a tribal chief and more than 30 others are killed in clan violence. State of emergency is lifted in August 2004.
- 2002 May: President Kufuor inaugurates reconciliation commission to look into human rights violations during military rule.
- 2003 October: Government approves merger of two gold-mining firms, creating new gold-mining giant.
- 2004 February: Former President Jerry Rawlings testifies at commission investigating human rights offences during the early years of his rule.
- 2004 October: Group of current and former military personnel detained on suspicion of planning to destabilise government ahead of elections.
- 2004 December: Presidential poll: Incumbent John Kufuor wins a second term.
- 2005 April-May: Thousands of Togolese refugees arrive, fleeing political violence in their home country.
- 2006 April: A boat capsizes on Lake Volta reservoir; more than 100 passengers are feared drowned.
- 2006 June: Visiting Chinese Premier Wen Jiabao promises to lend Ghana about \$66m to fund development projects. He is on an African tour aimed at opening new export markets for China's booming economy and at securing energy and mineral supplies.
- 2007 March: Ghana celebrates 50 years of independence from Britain.

- 2007 June: Major off-shore oil discovery announced. President Kufuor says oil will turn Ghana into an "African tiger".
- 2007 September: The worst floods for more than 30 years cause widespread devastation, destroying much of the annual harvest.
- 2007 December: President Kufuor says off-shore oil reserves total 3 billion barrels.
- 2008 December: John Atta Mills elected president.
- 2009 July: US President Barack Obama visits.
- Ghana secures a \$600m three-year loan from the International Monetary Fund (IMF).
- 2009 October: Controversy over sale of national communications network Ghana Telecom, allegedly for less than it was worth.
- 2010 December - Offshore oil production begins.
- 2011 July - President John Atta Mills chosen as ruling National Democratic Congress party's candidate for the 2012 presidential election, defeating Nana Konadu Agyemang-Rawlings, wife of former President Jerry Rawlings.
- 2011 August - UK-based oil exploration company Tullow Oil, says it will spend at least \$4bn to develop oil fields off the coast of Ghana.

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## Annex B

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### PROMINENT PEOPLE

The CIA World Factbook, in a section on World Leaders (last updated 18 April 2012), Ghana, Chiefs of State and Cabinet Members (information of 26 January 2012) listed the following:

**President**

**John Evans Atta MILLS**

**Vice President**

**John Dramani MAHAMA**

**Minister of Chieftancy & Culture**

Alexander Asum-Ahensah

**Minister of Communications**

Harunna Iddrissu

**Minister of Defense**

Joseph Henry Smith (Lt. Gen. (Ret.))

**Minister of Education**

Lee Ocran

**Minister of Employment & Social Welfare**

Moses Asaga

**Minister of Energy**

Joe Oteng Adjei

**Minister of Finance & Economic Planning**

Kwabena Duffuor

**Minister of Foreign Affairs**

Muhammed Mumuni

**Minister of Health**

Alban Sumana Bagbin

**Minister of Interior**

William Kwesi Aboah

**Minister of Justice & Attorney General**

Benjamin Kumbuor

**Minister of Trade & Industry**

Hanna Tetteh

**Minister of Transportation**

Collins Daudu

**Minister of Water, Works & Housing**

E.T. Mensah

**Minister of Women's & Children's Affairs**

Julinana Azumah-Mensah

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## Annex C

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### LIST OF ABBREVIATIONS

|                 |   |
|-----------------|---|
| <b>AI</b>       | Amnesty International   |
| <b>CEDAW</b>    | Committee on the Elimination of All Forms of Discrimination Against Women |
| <b>CPJ</b>      | Committee to Protect Journalists  |
| <b>FCO</b>      | Foreign and Commonwealth Office (UK)                                      |
| <b>FGM</b>      | Female Genital Mutilation   |
| <b>FH</b>       | Freedom House   |
| <b>GDP</b>      | Gross Domestic Product  |
| <b>HIV/AIDS</b> | Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome           |
| <b>HRW</b>      | Human Rights Watch  |
| <b>IAG</b>      | Illegal Armed Group   |
| <b>ICG</b>      | International Crisis Group  |
| <b>ICRC</b>     | International Committee for Red Cross                                     |
| <b>IDP</b>      | Internally Displaced Person   |
| <b>IFRC</b>     | International Federation of Red Cross and Red Crescent Societies          |
| <b>IMF</b>      | International Monetary Fund   |
| <b>IOM</b>      | International Organisation for Migration                                  |
| <b>MSF</b>      | Médecins sans Frontières  |
| <b>NATO</b>     | North Atlantic Treaty Organisation  |
| <b>NGO</b>      | Non Governmental Organisation   |
| <b>OCHA</b>     | Office for the Coordination of Humanitarian Affairs                       |
| <b>ODIHR</b>    | Office for Democratic Institutions and Human Rights                       |
| <b>ODPR</b>     | Office for Displaced Persons and Refugees                                 |
| <b>OECD</b>     | Organisation of Economic Cooperation and Development                      |
| <b>OHCHR</b>    | Office of the High Commissioner for Human Rights                          |
| <b>OSCE</b>     | Organisation for Security and Cooperation in Europe                       |
| <b>RSF</b>      | Reporters sans Frontières   |
| <b>STD</b>      | Sexually Transmitted Disease  |
| <b>STC</b>      | Save The Children   |
| <b>TB</b>       | Tuberculosis  |
| <b>TI</b>       | Transparency International  |
| <b>UN</b>       | United Nations  |
| <b>UNAIDS</b>   | Joint United Nations Programme on HIV/AIDS                                |
| <b>UNESCO</b>   | United Nations Educational, Scientific and Cultural Organization          |
| <b>UNHCHR</b>   | United Nations High Commissioner for Human Rights                         |
| <b>UNHCR</b>    | United Nations High Commissioner for Refugees                             |
| <b>UNICEF</b>   | United Nations Children's Fund  |
| <b>UNODC</b>    | United Nations Office on Drugs and Crime                                  |
| <b>USAID</b>    | United States Agency for International Development                        |
| <b>USSD</b>     | United States State Department  |
| <b>WFP</b>      | World Food Programme  |
| <b>WHO</b>      | World Health Organization   |

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(MedCOI disclaimer: The information provided above is limited to the availability of medical treatment, usually at a particular hospital/clinic/health institute in the country of origin; it does not provide information on accessibility to treatment.)

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